Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 August 2014

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested the ages of those deceased children whose identities were used by the Metropolitan Police Service's 'Special Demonstration Squad' (SDS). The Metropolitan Police Service (the "MPS") refused to disclose the information citing the exemptions in sections 30(1)(a) & (2)(a)(i) & (b) (investigations and proceedings), 40(2) (personal data), 38(1)(a)(b) (health and safety) and 24(1) (national security). The Commissioner's decision is that sections 40, 38 and 24 are not engaged. Whilst he considers that section 30 is engaged, he finds that the public interest warrants disclosure therefore:

 - the MPS should disclose the requested information.

2. The MPS must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Background

3. A published report entitled "*Operation Herne – Report 1. Use of covert identities*[1]" is relied on by both parties. It is undated but, because both parties have relied on it, the Commissioner has also relied on it in his reasoning in this notice. (In this notice it is referred to as "The Operation Herne Report").

4. A second report has since been released[2].

Request and response

5. On 27 February 2013, the complainant wrote to the MPS and requested information in the following terms:

> *"I would be grateful if you could provide a summary of the ages of any deceased children whose identities were used by the Special Demonstration squad.*
>
> *The ages presented in complete years would be sufficient, and should not cause data protection issues. For this request, please consider a child to be anyone who has not yet reached their 18th birthday."*

6. The MPS responded on 7 June 2013. It confirmed that the information was held but refused to provide it citing the exemptions in sections 30(2)(a)(i) & (b), 31(1)(a) & (b) and 31(2)(i) of the FOIA.

7. Following an internal review the MPS wrote to the complainant on 24 October 2013. It revised its position, now relying on sections 30(1)(b), 30(2)(a)(i) & (ii), 40(2), 38(1), 24(1) and 23(5) to forego disclosure.

8. During the course of the Commissioner's investigation the MPS confirmed that it was now relying on 30(1)(a)(i), 30(2)(a)(i) & (b), 40(2), 38(1)(a)(b) and 24(1).

[1] http://www.derbyshire.police.uk/Documents/About-Us/Herne/Operation-Herne---Report-1---Covert-Identities.pdf

[2] http://www.derbyshire.police.uk/Documents/About-Us/Herne/Operation-Herne---Report-2---Allegations-of-Peter-Francis.pdf

Scope of the case

9. The complainant contacted the Commissioner on 16 January 2014 to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider the citing of exemptions, but stated that he did not wish him to consider timeliness. Timeliness is therefore not covered in this notice, but the Commissioner has logged the delays for on-going monitoring purposes.

10. The MPS has relied on the following extract from the Operation Herne Report referred to above, which states:

> *"6.3 To date Operation Herne has verified one hundred and six (106) covert names that were used by members of the SDS. Of these one hundred and six (106), forty two (42) have been either confirmed or can be treated as highly likely to have used a genuine deceased child's identity. These numbers should not be treated as absolute and may change as the enquiry continues".*

With regard to this it advised the Commissioner:

> *"Given that Forty Two (42) is the number of children's details identified at the time of this request being made to the MPS, this is the information deemed pertinent to and therefore the exemptions currently being applied to withhold disclosure".*

11. The Commissioner has therefore based his investigation on this basis.

Reasons for decision

Section 40 – personal information

12. As the MPS's submissions all rely heavily on the issue as to whether or not the requested ages are 'personal data' the Commissioner has initially considered this exemption.

13. Section 40(2) of the FOIA says that information is exempt if it is the personal data of a third party (ie someone other than the requester) and disclosing it would breach any of the data protection principles.

14. The Commissioner therefore first considered whether the requested information is, as the MPS maintains, the personal data of a third party.

15. Personal data is defined in the Data Protection Act (DPA) as:

> *"data which relate to a living individual who can be identified –*
> *(a) from those data, or*
> *(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller."*

16. The information that has been requested is the age of 42 deceased children whose identities were used by undercover officers at some point during a 40 year period from 1968 to 2008. The actual date of birth and gender has not been requested.

17. The MPS has provided lengthy submissions as to how the ages could be used to identify officers and the inherent harm in doing so. Whilst the Commissioner accepts that such harm would be significant if it were to occur, he has not found these arguments compelling for the following reasons.

Is an individual identifiable from the information?

18. The Commissioner issued a Data Protection Code of Practice on Anonymisation[3] in 2012 and he has drawn on it when making his decision in this case. He has applied the test of whether it is *reasonably likely* that an individual data subject can be identified – from the data and other information.

19. The complainant drew the Commissioner's attention to part of the Operation Herne Report which states:

> *"3.4 … In preference, children were chosen that would have died between four (4) and eight (8) years of age and would be of broadly the same age as the UCO. Given the fact that the unit was established in 1968, and the youngest officers at that time would probably have been in their mid-twenties, it is the case that some of the identities used could relate to children born as early as 1940.."*

[3]http://ico.org.uk/for_organisations/data_protection/topic_guides/~/media/documents/library/Data_Protection/Practical_application/anonymisation-codev2.pdf

20. The complainant expanded on this saying:

> *"My request does not ask for the numbers of children of each age, their genders, or other information such as the years in which they died. The period covered by the recent operation Herne report is 1968 to 2008, although media reports have suggested that the practice of using deceased children's identities would have ceased or significantly reduced from 1994 with the digitisation of death records. According to statistics from the ONS, some 336,052 children aged between 0 and 17 years old died between 1968 and 1994. Identifying some 42 individuals from this data set would seem so improbable as to appear impossible and I have not been presented with any plausible argument as to a chain of causation whereby individual officers would be tracked down and harmed by releasing this data.*
>
> *I appreciate the importance of considering information mosaics, and how the information I have requested could be pieced together with other information already in the public domain. I am not aware, however, of any other information in the public domain with which the data I have requested could be combined to make its disclosure harmful."*

21. Based on these criteria, the Commissioner does not see how the age of a deceased child could be said to be the personal data of an undercover officer. The Operation Herne Report clearly states the ages which were 'preferred' as being 4 to 8 years. The Commissioner does not accept that a further breakdown of this, for example saying that some were aged 4, some aged 7 and so on, is any more likely to allow for identification of the officers who used the identity.

22. The Commissioner has also taken into account that it is unlikely that an officer would have been exactly the same age as the child, ie the same date of birth. More likely is that an officer would chose an identity that was approximately the same age and the officers' actual precise age would be likely to have been different from that of their assumed identity in the majority of cases. However, what disclosure may allow is for an affected family to be satisfied that their child was not one of those identities used as they died, for example, at the age of 2 and no officer used the details of a child of this age.

23. Whilst the MPS has submitted detailed arguments, which the Commissioner does not intend to reproduce here, the Commissioner does not consider the age of a child who dies at some point over a forty year period meets the criteria of being the 'personal data' of an

undercover officer as the age alone is simply too far removed to make any such link.

24. Having considered the MPS's arguments, the Commissioner does not find it reasonably likely that individual officers could be identified. This is because the complainant has requested only the whole year age of the deceased children, not the gender, the date of birth or the actual year that they died (which might possibly increase the possibility of leading to the identification of the likely age of the officer concerned). The Commissioner therefore does not accept that it would be possible to identify specific individuals from the requested information.

25. Notwithstanding the above, given the sensitivity of the area of policing that the requested information relates to, the Commissioner has also considered the 'motivated intruder' test detailed in pages 22 – 24 of his Anonymisation Code. Finally, the Commissioner has taken into account pages 24 – 25 of the Code, which cover prior knowledge and re-identification.

26. The Commissioner accepts that the MPS needs to be cautious as it will understandably want to rigorously protect the identity of its undercover officers for their own safety and for the safety of their families. He further notes that the MPS will have concerns regarding the difficulties it will have in attracting officers to undertake this sort of work if they fear that they may be subsequently identified.

27. The 'motivated intruder' test involves considering whether someone without any prior knowledge would be able to achieve re-identification by combining requested information with other information available from public sources *if* motivated to attempt this. Such an individual might, for example, carry out a web search, search archives or use social networking in order to identify an individual from anonymised data.

28. The Commissioner does not consider such identification would be possible in this case. As explained above, the information within the scope of the request is insufficiently detailed for it to be possible to make the link to any specific individual, even applying the 'motivated intruder' test.

29. Accordingly, the Commissioner finds that the requested information is not personal data and the section 40 exemption is therefore not engaged.

Section 38 – health and safety

30. Section 38(1) of the FOIA provides that:

> *"Information is exempt information if its disclosure under this Act, would, or would be likely to –*
> *(a) endanger the physical or mental health of any individual, or*
> *(b) endanger the safety of any individual".*

31. For the exemption to be engaged it must be at least likely that the endangerment identified would occur. Even if the exemption is engaged, the information should nevertheless be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

32. In this case, the MPS has advised that it considers sections 38(1)(a) and (b) to be engaged. It explained to the Commissioner:

> *"This exemption is, for the purpose of likely prejudice, intrinsically linked to arguments put forward in regard to section 40, in that those likely to be affected by disclosure is two pronged. Therefore, in answer to the first question Section 38(1)(a)(b) is believed to be engaged in this instance.*
>
> *For 38(1)(a) The MPS would suggest that the undercover officer, his or her family and the family members of the deceased child would fall into this category.*
>
> *For 38(1)(b) The MPS would suggest that the undercover officer and or his / her family would fall into this category.*
>
> *In regard to the likelihood of prejudice, it is suggested that 'would be likely to' is relevant in this instance.*
>
> *As mentioned, I would draw the ICO's attention to the arguments put forward in the personal information part of this response and the likely identification or misidentification, however remote, of undercover officers / family of deceased children following the disclosure of the information related to this request".*

Is the exemption engaged?

33. The Commissioner takes the view that the phrase "would be likely to" prejudice or endanger means that there should be evidence of a

significant risk to the physical or mental health or the safety of any individual.

34. The Commissioner has already concluded above that the ages in isolation are not 'personal data' and therefore none of the parties mentioned by the MPS would be identifiable.

35. As the Commissioner's view is that no individual could be identified from the requested information he therefore concludes that the MPS has failed to demonstrate a causal link between the disclosure of the withheld information and endangerment to any individual. Accordingly he finds that the section 38 exemption is not engaged in this case.

Section 24 – national security

36. Section 24(1) of the FOIA states:

> *"Information which does not fall within section 23(1) [information supplied by, or relating to, bodies dealing with security matters] is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security."*

Section 1(1)(b) imposes a duty on public authorities to disclose recorded information upon request, subject to exemptions.

37. In broad terms, section 24(1) allows a public authority not to disclose information if it considers that the release of the information would make the United Kingdom or its citizens vulnerable (or more vulnerable) to a national security threat.

38. When investigating complaints about the application of section 24(1), the Commissioner will need to be satisfied that the exemption from the duty to communicate the information is required for the purpose of safeguarding national security.

39. The approach of the Commissioner is that *required* in this context means reasonably necessary. It is not sufficient for the information sought simply to relate to national security, there must be a clear basis for arguing that disclosure would have an adverse effect on national security before the exemption can be engaged.

40. In the Commissioner's view, safeguarding national security includes, amongst other things, protecting potential targets even if there is no evidence that an attack is imminent.

41. At internal review stage, when first citing this exemption, the MPS identified the following harm:

> *"To disclose the detailed information you have requested, particularly in light of the fact Operation Herne is ongoing, would undermine the trust and confidence undercover officers (relevant or not to this particular investigation) have in the MPS. Officers would be fearful the MPS will disclose information that could potentially identify them in an undercover role. Whilst the report makes clear that the MPS have not used the identities of deceased children for many years, there is a high risk that officers who assist in covert operations that relate to national security would or may be less inclined to undertake such roles should they fear the MPS will disclose information relating to their undercover identity.*
>
> *Likewise, civilians are likely to be less inclined to act or co-operate as a Covert Human Intelligence Sources in connection with investigations related to national security if they fear information related to their identities may be disclosed.*
>
> *It is vital the public, police officers, staff as well as other government bodies and authorities have complete trust and confidence in the ability of the MPS to handle matters that relate in any way to national security in an appropriate and sensitive manner. To date, the MPS have built that trust by publishing Operation Herne's interim report which assures the public that the MPS has been in contact with families who have raised concerns about tactics employed by the SDS.*
>
> *Disclosure potentially threatens the safety and well-being of the nation in respect of our ability to protect its security in connection with possible terrorism, espionage and subversion. It does so by threatening to destabilize the faith and confidence third parties have in the ability of the MPS to handle information that relates to covert identities".*

42. In correspondence with the Commissioner the MPS added:

> *"As highlighted previously for the information specific to this request, the age of the deceased child was instrumental as the basis upon which an undercover officer built his or her legend. The purpose of forming a legend was to adopt a false identity in order to infiltrate extremist organisations in order to obtain intelligence for potential law enforcement action.*

The officers concerned belonged to the SDS, which in turn operated within what was then MPS Special Branch, now Counter Terrorism Command SO15, who also operate in conjunction with Section 23(3) defined bodies.

All of this has been acknowledged publicly including the fact that the role of Special Branch centers on safeguarding National Security. The argument therefore that the MPS is putting forward is that should this further information be disclosed into the public domain, there is a likelihood, however remote, that an officer previously or actually performing undercover duties is identified. Such identification then compromises their ability to perform the prescribed duties and associated activities in regard to law enforcement and safeguarding national Security. i.e. unable therefore to obtain evidence on potentially subversive extremist groups, this, by association means that the ability of the police service to obtain such evidence on activities seriously undermines the ability of the police service to fulfill law its law enforcement role and weakens our ability to safeguard national interests".

43. In reaching his conclusion in this case, the Commissioner does not dispute the MPS's concerns. However, he notes that those concerns are all centred on the ability to potentially identify the parties concerned. As explained above, he does not accept that the requested information is 'personal data' and does not accept that disclosure of the ages of the deceased children whose identities were used would facilitate the identification of any living person.

44. The Commissioner has given serious consideration to the arguments regarding the potential undermining of the trust and confidence of undercover officers. He accepts that, if made out, such arguments would be a significant factor militating against disclosure. However, in all the circumstances, and given his conclusion as to the impossibility of using the requested information to identify such an officer, he does not consider those arguments to be objectively reasonable in this case. This is particularly so in the context of the risks that are always inherent in undercover operations.

45. Having carefully considered all the arguments and representations, the Commissioner does not accept that an exemption from disclosure of this information is required to safeguard national security. Therefore, the Commissioner finds that the exemption is not engaged.

Section 30 – investigations and proceedings

46. The MPS has advised the Commissioner:

> *"The MPS believes that whilst Section 30(1)(a) is engaged the recorded ages of those deceased children are in fact also pertinent to Section 30(2)(a)(i) and 30(2)(b)".*

47. Section 30(1)(a)(i) of FOIA states that:

> *"Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of-*
>
> *(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained-*
>
> *(i) whether a person should be charged with an offence".*

48. Section 30(2)(a)(i) and (2)(b) states that:

> *"(2) Information held by a public authority is exempt information if-*
>
> *(a) it was obtained or recorded by the authority for the purposes of its functions relating to-*
>
> *(i) investigations falling within subsection (1)(a) or (b), and*
>
> *(b) it relates to the obtaining of information from confidential sources".*

49. The phrase "at any time" means that information is exempt under section 30(1) if it relates to an ongoing, closed or abandoned investigation. It extends to information that has been obtained prior to an investigation commencing, if it is subsequently used for this purpose.

50. Section 30 of the FOIA is a class-based exemption, which means that there is no need to demonstrate harm or prejudice in order for the exemption to be engaged. In order for the exemption to be applicable, any information must be held for a specific or particular investigation and not for investigations in general. Therefore, the Commissioner has initially considered whether the requested information would fall within the class specified in section 30(1)(a)(i).

51. The public authority in this case is the MPS. As a police force it clearly has the power to conduct criminal investigations. The Commissioner is

therefore satisfied that it has the power to carry out investigations of the sort described in section 30(1)(a).

52. As to the nature of the investigation/s concerned, in response to the Commissioner's enquiries, the MPS advised that the request:

> *"… was submitted to the MPS on 27 February 2013 and at this time the investigation into the SDS had already commenced, October 2011, and the fact that the investigation was in progress at the time of the request is confirmed in the evidence provided to the Home Affairs Select Committee by Deputy Assistant Commissioner Gallan on 5 February 2013[4]".*

53. The MPS added:

> *"… the MPS is satisfied that the information held pertinent to this request is directly related to an investigation falling within the description of Section 30(1)(a), in that the investigation being undertaken by officers attached to Operation Herne may lead to a decision as to whether or not a person should be charged with an offence and or a determination as to whether an individual charged within an offence may be guilty of it.*
>
> *In respect of the forty two (42) individuals whose ages are recorded as being those likely to relate to a deceased child, this information is indeed held as part of the investigation … and … the actual age of the deceased child was pivotal to undercover officers when commencing any research in the formulation of their respective legend".*

54. In further support of its position the MPS provided the Commissioner with a copy of terms of reference for Operation Herne. This shows that a variety of lines of investigations and complaints were under consideration, including those which could be classed as criminal if they were to proceed.

55. In respect of confidential sources, the MPS included the following submission:

[4] http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/uc837-ii/uc83701.htm (DAC Gallan evidence to the HASC pages 18 - 28 inclusive).

"Given that the MPS considers the 'age' sets the parameters for an undercover officers legend, they contend that the statement within the ICO's own guidance[5] sums up the link perfectly: "Such officers can only operate effectively and safely if their true identities remain unknown" and indeed the comment at Para 43, where it states; "the exemption not only covers the information but procedures, including administrative processes relating to confidential sources", the MPS is of the opinion that this would include an officer's legend and therefore the age. " And, as the Tribunal [EA/2008/0078, Information Commissioner v Metropolitan Police][6] ruled in another request pertaining to Covert Human Intelligence Source (CHIS) identities, for that is what these officers are, (Defined by Section 26(8) of the Regulation of Investigatory Powers Act 2000 [7] (RIPA)) the overriding factor for non-disclosure and the judgment of the tribunal; 'represents the overwhelming importance of the longstanding policy adopted by the MPS that informants can be assured that their names and identities will not be disclosed even after they die'."

56. The Commissioner accepts that a 'confidential source' is a person who provides information on the basis that they will not be identified as the source of that information. As a rule, confidential sources will be third parties. In most circumstances an authority's own officers are unlikely to be considered confidential sources. However, undercover police officers and others working undercover for law enforcement bodies are an exception. The concealment of their true identity is an essential feature of their work.

57. Accordingly, the Commissioner is satisfied that both limbs of the exemption are properly engaged.

58. Section 30 is a qualified exemption and therefore the Commissioner must consider whether the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

[5]http://ico.org.uk/for_organisations/guidance_index/~/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/investigations-and-proceedings-foi-section-30.ashx

[6]http://www.informationtribunal.gov.uk/DBFiles/Decision/i301/MPS%20v%20IC%20%28EA-2008-0078%29%20Decision%2030-03-09.pdf (Paragraph 22 refers)

[7] http://www.legislation.gov.uk/ukpga/2000/23/section/26

59. In considering where the public interest lies in this case, the Commissioner has been guided by the Information Tribunal in the case of *Toms v Information Commissioner & Royal Mail* where it stated:

> *"… in striking the balance of interest, regard should be had, inter alia to such matters as the stage or stages reached in any particular investigation or criminal proceedings, whether and to what extent the information has already been released into the public domain, and the significance or sensitivity of the information requested".*

Public interest in disclosing the information

60. The MPS did not include any arguments in favour of disclosure at refusal stage. However, at internal review it advised:

> *"The SDS was an undercover unit formed by the Metropolitan Police's Special Branch. It operated between 1968 and 2008, during which time it infiltrated and reported on groups concerned in violent protest.*
>
> *The published Operation Herne interim report highlights that much of the work carried out by the SDS was highly sensitive and placed the undercover officers (UCO) at considerable risk for a number of reasons. This led the UCO's to have to create false identities using the details of deceased children. The report has publicly acknowledged that forty-two [42] covert identities are either confirmed or highly likely to have used the details of a deceased child.*
>
> *Due to the public interest in this now high profile unit and current investigation into their actions, I appreciate there is a public interest in disclosing the ages of any deceased children whose identities were used by the SDS. This would demonstrate the MPS to be open and transparent in respect of this matter, disclosure of which may be likely to impact on families related to the deceased children".*

Public interest in maintaining the exemption

61. In its refusal notice the MPS made reference to the First-Tier Tribunal case EA/2011/0057, citing the following:

> *"The general public interest by section 30(1) exemption is the effective investigation and prosecution of crime, which itself requires in particular (a) the protection of witnesses and informers*

to ensure that people are not deterred from making statements or reports by the fear that they may be publicised, (b) the maintenance of the independence of the judicial and prosecution processes and (c) the preservation of the criminal court as the sole forum for determining guilt. In assessing where the public interest balance lies in a section 30(1) case relevant matters are therefore likely to include (a) the stage a particular investigation or prosecution has reached (b) whether and to what extent the information is already in the public domain (c) the significance or sensitivity of the information requested and (d) whether there is any evidence that an investigation or prosecution has not been carried out properly which may be disclosed by the information…"

62. The MPS also relied on the Commissioner's guidance saying: "*there is a general recognition that it is in the public interest to safeguard the investigatory process. The right of access should not undermine the investigation and prosecution of criminal matters nor dissuade individuals from coming forward to report wrongdoing*."

63. In its internal review the MPS added:

"*It remains the case that to release any details of the investigation (not already publicly disclosed in the interim report) at the present time would jeopardize the current investigative process.*

To disclose information pertinent to the investigation which may interfere and undermine the investigation at this early stage would detrimentally affect the ability of the MPS to conduct its role in the interests of preventing and detecting crime.

Maintaining confidential sources is of great importance in respect of this specific ongoing investigation, as well as to policing in general. Disclosure of the information you have requested could damage the maintaining of confidential sources in a number of direct and indirect ways. For example, disclosure of the information you have requested may pose a direct risk to individuals who may previously have assumed an undercover identity of a deceased child, if that information is used to try and identify those officers.

Additionally, disclosure of the information would not be in the public interest as it could deter the progress of the current investigation and the co-operation of individuals assisting with it. This would be particularly harmful if disclosure leads to fear that the MPS will release information relating to confidential sources and covert identities under FOIA. Whilst the investigation is ongoing, Operation

Herne requires a safe space in which to operate and premature disclosures create intense media pressure which presents possible blockages for the investigative process. This is not in the public interest and diverts resources away from handling the investigation, particularly considering the interim report was published and addresses the public interest on this matter.

In respect of unconnected future investigations and procedures, untimely disclosure of the information you have requested could damage the ability of the MPS to maintain confidential sources. Disclosure of information relating to CHIS identities threatens to make the public fearful about co-operating or providing information to the police in the future, especially considering this investigation is not even complete. Individuals may fear their identities may be exposed during an ongoing investigation (or closed) which could severely impact on an investigation.

It remains the case that a vital element of many investigations and proceedings is the intelligence supplied by confidential sources. It is important that Section 30 serves to protect these sources so that they are not deterred from co-operating and engaging fully with the MPS.

There is a significant public interest in protecting the supply of information from confidential sources. Informants will not provide information where they fear being identified as the source and fear suffering acts of retribution as a consequence. The form of retribution feared will depend on the circumstances, the most obvious example in this case would be fear of physical assault where a confidential source has provided information about a criminal during their undercover duties on the SDS".

Balance of the public interest

64. The Commissioner accepts that on-going investigations need to be protected and it is unlikely that he will find that information should be disclosed where there is any possible impact on the investigative processes. He also accepts the importance of the MPS to be able to attract officers and civilians to act in undercover roles in order to fulfil vital police work, and their need to feel reassured that their identities will not be made public for fear of reprisals. However, the Commissioner also notes that this is a qualified rather than absolute exemption so there was an obvious intention when drafting the legislation that there may be occasions when information caught by this exemption can be disclosed.

65. Whilst the Commissioner recognises the sensitivities around protecting ongoing investigations, and the MPS's concerns in maintaining the ability to recruit to undercover roles, he also notes the complainant's submissions about releasing this information and the associated strong public interest arguments in favour of disclosure.

66. The MPS has stated to the Commissioner that it:

> *"… believes that given the age is intrinsically linked to the creation of a legend, it is held as a result of an ongoing criminal investigation disclosure of the information should not take place at this, or indeed, because of the links to CHIS, at anytime".*

67. It has also made reference to the Operation Herne Report and the further related Report (referred to above) which was published after the request was made, advising that:

> *"These reports were compiled with the intention of placing into the public domain information deemed of significant public interest, given the gravity of the allegations being made. Such information was deemed sufficient to inform, but not too detailed so as to impede or compromise the ongoing investigation. It is the MPS's belief that such disclosure outside of the Freedom of Information Act 2000 satisfies the ongoing public interest in this case".*

68. However, the Commissioner also notes the detailed submissions made by the complainant. Within his correspondence he explains:

> *"There is also a clear public interest with regards to the hundreds of thousands of families who lost a child during the relevant period. Any of these families may fear that their relative's details were used by police officers without consent. The question of whether the 42 families should be told is complex. By confirming which ages were used, the MPS would also be confirming which ages were not used. This information could help answer the questions of tens of thousands of families for each any* [sic] *age that is identified as not having been used".*

69. The Commissioner finds this argument to be particularly compelling. Whilst he agrees it is in the public interest not to undermine an ongoing investigation, he does not accept that the requested information is sufficiently significant to have any impact on the ongoing work in this case. The information that has already been put into the public domain in the released Herne Report suggests that the ages in isolation would

be very unlikely to have much impact on the investigation as a whole. The age parameters and numbers of identities used have been divulged, so the Commissioner is of the opinion that disclosing a further summary of the actual ages is unlikely to be intrusive. As the 42 identities have already been confirmed it is assumed that information recording their ages is readily available to the MPS and that to disclose this information would therefore be very unlikely to pose any resourcing impact on the staff undertaking the investigation.

70. It may transpire that the 42 identities concerned have actually used all of the ages within the range of 0 to 17 years, in which case none of the families concerned will gain from any relief from disclosure. However, even if it is only one particular age that no officer selected, the potential relief for a large group of surviving relatives is significant.

71. Taking into account the arguments put forward by both parties and the significant public interest in this particular subject matter, on this occasion the Commissioner finds that the public interest in disclosure outweighs that in maintaining the exemption.

Other matters

72. The Commissioner has recorded the delays in this case for on-going monitoring purposes.

Right of appeal

73. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

 First-tier Tribunal (Information Rights)
 GRC & GRP Tribunals,
 PO Box 9300,
 LEICESTER,
 LE1 8DJ

 Tel: 0300 1234504
 Fax: 0116 249 4253
 Email: GRC@hmcts.gsi.gov.uk
 Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

74. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

75. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Graham Smith
Deputy Commissioner
Information Commissioner's Office
Wycliffe House
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https://issuu.com/kieranconway.

weve stripped out the contents of the site and pasted it onto this page its the pdf file below entitled Andrew Dedman MI5 just click onto the wording Andrew Dedman MI5.

ANDREW DEDMAN MI5

Paste Andrew Dedman MI5 at Yahoo or Google search engines for more info on this fascist creep,according to dark web sources he basically tampered with British Government computer systems and then exported the data to Ireland where far right wing “patsys” made good with the stolen and “faked” info to pay for their cars and houses.

Reliable net sources explain that Andrew Dedman was a former British Army officer who was assigned to work in the police for a time in specialist work but later on in his career left the police in mysterious circumstances, that till this day have never been truly explained.We know from wiki-obtained police data whilst in the British army Dedman worked in south America, and was allegedly involved in espionage work involving operations against South American communists,he was assigned the warrant number 1001 whilst in the police and the last known location for Dedman as a police officer was in an intelligence gathering unit in the City of London,International net sources found Dedman working in Turkey shortly after leaving the police by the Israel Intelligence service.Turkey as everybody knows is the gateway for heroin into Britain and Ireland.Below url is an introduction to Andrew Dedman,remove the wording from the site as jpgs add to your desktop and use magnifier application to read properly.

https://mi5reference3028.wordpress.com/blog/

Dublin solicitor and recognised political Author, kieran Conway **(**featured above photo**)** was involved in a District court case in Bray town County, Wicklow,Ireland in we believe 2015,it was a political court case were right wing Journalist Albert Smith lied to convict a left wing socialist writer/net sign poster.The socialist was apparently held on Britsh Intelligence files even before he came to Ireland to live,and had previous dealings with Dedman in the past in the Uk,It is Dedman who is thought to have generated the files about the socialist that were leaked illegally to Irish sources but not officially given to the Gardai.

During the court case in 2015 the Gardaí presented mere here say as evidence in the form of a speech read out in court by Albert Smith,were Smith himself attended a court hearing and talked about matters such as the CIA and threats made against him with weapons. Smiths speech convicted the socialist on weapons charges and the socialist was sent to prison.Albert Smith is a known and published far right wing fascist **(**his previous newspaper articles and promotional work as a sub-editor of the Irish independent newspaper on convicted fascist and author David Irwing proves this**)**.

Articles of interest have in the past appeared on the net providing valuable evidence that explains the socialist stated in emails to an unnamed source at the time that Smith purposely lied in court by seemingly using a prepared and premeditated false speech,and that the judge accepted in court hear say evidence contained within Smiths own concocted political lies.According to a blog spot web site on the dark web internet discussion came to the conclusion,that by accepting the mere word of Journalist Albert Smith a known far right wing liar in court without any actual witness or any evidence the judge falsely imprisoned the socialist not for an alleged weapons offence that the socialist stated he never committed anyway, but as the blog writers suggested for being found guilty by the far right of being a socialist that exposed a ring of spys operating in Ireland under orders of the British Government.This known espionage activity was exposed through socialist political write ups that the public otherwise would never have read about

and was leaked out in the left wing British political press.

In short the socialist investigated what is now termed as “Gardagate” and in the process exposed a cover up by Albert smiths newspaper the Irish Independent of Simon O Brien being a former British police officer as chairman of GSOC and his alleged involvement of being part of an alleged MI6 sting operation to “grab” Irish state intelligence held by GSOC.Like Dedman the socialist has always maintained that it was possible the British Government transferred OBrien to Ireland.

The court case is databased and more information can be found about Albert Smith as an alleged MI6 dogsbody on the net type Albert Smith MI6 below site is evidence that the journalist worked as a sub editor on the Irish Independent see site below:

https://www.theguardian.com/world/2006/feb/20/austria.thefarright

http://www.irishtimes.com/business/media-and-marketing/people-put-their-lives-on-the-line-for-the-indo-and-this-is-what-they-get-1.2891166

Various internet allegations can be found that indicate that Albert Smith worked on Andrew Dedmans generated data bases over a period of many years and that some of the data based files**(**The Dedman Files**)** were allegedly transfered secretly by Dedman himself to amongst other the Store street Garda station **(**against human rights treaties**)** as these files were held secretly in Ireland by “black” cops.

One article indicates the area where Smith lives **(**Shop river County Wicklow**)** was data based by Dedman back in 2002 and that Dedmans own pirated and stolen supplied data **(**block data,many thousands of types of files passed between bent cops without authorisation**)** was used by the “patsys” in the Dublin/Wicklow area were Smith lives to help pay the bills.The Gardaí themselves were quite happy to allow the local “patsys” to spy on person suspected of travelling in and around the Dublin Mountains on their behalf and spy is the right usage of word hear,the “patsys” were rewarded for their loyalty in pieces of land,discounts,wavers etc obtaining state housing and buildings at cheap rates of purchase,false ids,credit crunching etc etc.

Left wingers,taxexiles,criminals,suspected IRA members etc who have over the years either fled the UK to live in Ireland for political reasons or set themselves up in business in Ireland where all targeted and followed on behalf of the Britsh and Amercian Intelligence service by “patsys” and bent cops and criminals.

Both the socialist and Journalist Albert Smith where born in the U.k and so the chances of both these individuals who where technically British,being involved in an alleged false weapons incident together in a remote part of the Republic of Ireland on the top of a mountain isn’t a very likely prospect,especially as the alleged incident happened on

farmers private property were the socialist had permission to travel from the local farmers (not roads or footpaths).

The unnamed socialist always maintained he was never involved in any weapons incident or that he was even present in the area when such an alleged incident occurred.Apparently in other articles found online the socialist claimed he swore in affadavits in court stating he was not present at the alleged incident,It is therefore logical to presume that circumstancially from an espionage angle their is enough online evidence and information to explain an invented incident/counter espionage tactic was used to illegally convict and punish the socialist writer for producing evidence that exposed amongst other Simon O Brien chairman of GSOC as a potential MI6 operative and a former British police officer in the left wing press,this apparent inventory of Albert Smith should by now be setting off political firealarms amongst the International left wing.

The publications of the socialist are still found on the internet and these articles indicate very clearly that even before Smiths allegations were mad through complaint process an article written by the Socialist exposed Simon OBrien the chairman of GSOC in the British left wing press as a former British police officer, whilst on the other hand Smiths newspaper at the same time the socialist articles were published on Simon OBrien being a former police officer, ran a cover up and didn't publish or indicate Simon O Brien was a former British police officer .

The Irish Independent news paper that Albert Smith worked for didnt print this evidence until much later on after Simon O Brien resigned from his job after different allegations were put to SimonO Brien,

So ask your selves as the readers of this article do you really believe that this socialist writer who exposed a cover up in Smiths own newspaper the Irish Independent just happens all of a sudden to appear before Smith on top of a mountain after exposing his paper running cover ups and then for no apparent reason threatens Smith with a weapon,when the socialist doesn't even know this chap? it sounds oh so bizare and mathematically inconceivable.The court affadavits even state the socialist wasn't even in the area when the incident took place and he doesn't know Smith as a person or even has held a conversation with the man in his entire life.

http://www.irishtimes.com/news/crime-and-law/simon-o-brien-to-quit-as-chair-of-gsoc-to-take-up-role-in-uk-1.2057839

Simon OBrien later left his job as chairman of GSOC after internal allegations that he was an MI6 operative used to export GSOC files back to MI5 on mass after espionage activity was suspected at GSOC headquaters.It was the socialists published articles that exposed MI5 knowledge of the IPCC and Simon Obrien obtaining a military based security contract for verimus security to work in screening Irish Government buildings, in a left wing political party news column that really set the rat amongst the greys.

One of the many articles produced by the socialist explained that the security company

sent to Ireland by the IPCC **(**Verimus**)** was an MI5 connected company who uses staff from the same British Army regiment that killed Jean De-Menezes, whos death irionically was investigated by the IPCC themselves.The IPCC,MI5 and Simon Obrien collectively obtained the military contract together that got Verimus the work to look for bugs in Simon O Briens Irish offices where he was chairmen of GSOC all a bit to cosey?

It was leaked out in the Irish Independent that MI6 were involved in looking for bugs in O Briens office however the Independent only talked in half truths and when it came to the delivery it failed,it failed to name at the same time that verimus scanning equipment being used in Simon O Brien office was being used to protect a former British police officer,If it wasn't for the press leaks in other papers and other sources the public would never have known that verimus where operating in Ireland onbehalf of MI6 and their operatives,the leak outs gave the security services in UK and America the power to confiscate internally all the GSOC records that MI5 now have because essentially there own operatives where under threat,all though Simon o Brien always stated he never fealt threatned,but he would wouldn't he,so essentially without the press leak outs no confiscation of records by the Americans and British would have been obtainable.The files stolen or sequestrated due to security breaches about Gerry Adams Sinn Fein leader having secret meetings with drug convicted dealer Kieran Boylan would never have been officially found by MI6 and MI5, allegations that Gerry Adams secret meetings have been going on for years is no news however this article is evidence that its a club where the spoils get divided and if you expose espionage publically you can pay a heavy price when publically you force secret agendas into the press.

http://www.thejournal.ie/gerry-adams-kieran-boylan-gsoc-1324202-Feb2014/

http://news.bbc.co.uk/1/hi/uk/4175688.stm

https://www.ipcc.gov.uk/news/jean-charles-de-menezes-statement

Evidence that Verimus security are part of MI5 and have worked alongside them for example the Olympic games contract.

http://www.verrimus-red.com/ourteam.html

the socialist was followed from Ireland to Europe where he was involved in publishing Smith was part of an ongoing operation into Drugs/terrorism see article here;

https://gerryhutchblog.wordpress.com/

Albert Smith didn't care about who he spied upon and the Gardai themselves where always placing and mistaking people in different areas.Smith was stationed according to one internet web site and chosen by MI6 and the British Military to "plant" stories in the independent news paper he wrote an article about convicted fascist David Irwing,Irwing got

3 years for the books he published that were anti semitic also Smith appear on irwings home site promoting irwings banned books incidently no normal journalist would have consented to promote a fascist like Irwing and as Kieran Conways book names fascists it has to be published here that Conways past comments on fascists have been published :

https://www.goodreads.com/book/show/24305635-southside-provisional

Kieran Conway went up against Garda Patton and sergeant Heraughty of Enniskerry Garda station when he represented the socialist in Bray court.Another Garda involved in these areas was Garda Cullen formely Stepaside now Dundrum Garda Station,he should have blown the whistle on Heraughty and Patton a pair of right wing state protected spies that work for the American and British Intelligence service.The Garda station at Enniskerry has American police force uniform patches in the window the entire Enniskerry village is a MI6/CIA state protected right wing fascist safe haven,you cant publish sites on an Enniskerry Google entry, the powers that be remove any site placed on Google that lands on Enniskerry,try it for yourselves, and yes they follow your signalex back to where you live so do it somewhere else! If you type Enniskerry Nazi at Google prompt you find a worrying amount of right wing neo fascist sites all connected to this tiny little village in the countryside of Ireland.





THE DEDMAN FILES- WIKILEAKS

ANDREW DEDMAN MI5/David Shayler MI5



BELOW BRITISH INTELLIGENCE NUCLEAR BUNKER (HERFORD,UK) PART OF ANDREW DEDMANS OPERATIONAL AREA IN NORTH LONDON.

Andrew Dedman left The British Army and joined the British Police,it is believed he was transferred because mathematically the badge number he was allocated to use as a police officer,(every police officer has there own badge or identitiy number on the "force") was 1001 ! the emphasis here is the actuall mathematical chances of owning this badge number in the British Police are practically ZERO its a computation that runs into many hundreds of thousands,as there are many hundreds of thousands of police officers so we believe it was a badge number on "Stand by". As we all know 1001 is a British expression or para phrase only in this particular persons instance its a thousand and one misuses as opposed to uses.Andrew Dedman by name and nature was not a regular police officer.The name itself is an anagram of ...and your a deadman...A typically sinister calling card left on police files,court paperwork etc researches who quite often browse through British Intelligence files and Police Intelligence files would " lock" onto the "codeing" of coming across a name of DEATH 1001.Because of his initial location a town known as Hertford,Hertfordshire where he worked as a mere detective constable it is thought that he was part of a undercover military unit within the police or even a secret police officer,that is a police officer who has different roles,his expertise and British Army knowledge would have made him prime time for the job,still being able to work with the British Army itself.This is because 20-30 years ago Hertford was the quintessential mi5 village situauted far enough outside of Londons capital served with two railway stations(not many towns in UK have two railway stations!)the British railway station from Hertford actually takes trains right inside of the tube station underground!!! Moorgate station to be prescise so this made security arrangements for MI5 workers less hassle to get around.Hertford itself is a rabbit warren a complete Maze, it had one of only three types of emergency nuclear underground base stations this can be found on google by typing **http://www.urbexdevil.co.uk/srhq-4-2-**

regional-government-bunker/ the Town has hundreds of inter connected footpaths,there everywhere,canals,rivers,viaducts,lakes,wooded areas nearby now abandoned air strip…the list goes on and on just look at google maps and everything within 5 miles radious of Hertford itself on the map and twenty years ago the place was a lot more quite and the police where right good chaps.Andrew Dedman for his sins was a nasty right winger who tampered and experimented with systems and law probably the type that was very much aware of people like Oswald Moseley infact Dedman looks remarkably similar to this man.He was a brutually cold police officer across between a ferret and British Army stiff upper lip type although the kind of skinny/medium type build chap that you would find camping somewhere in the middle of the Brecon Beacons eating worms and rumours surfacing on the net indicate he left the police and was found by mossaud agents living in Turkey they apparently got real personal by naming him a man with American armed force tattoos on his left arm on an alleged IDF site in Israel.Dedman probably is part of a sinister network of espionage/crime/drugs as Turkey is not the sort of place a person would willingly live in being British Born no offence to the Turkish people here but it isn't many folks ideal port of call,hes either hiding there or working or both and probably for both sides at the same time if you know what I mean….Dedman tampered with the British Police force PNC computer system leaving a trail of disinformation behind him the extent of which will probably remain another mi5 well kept secret,these types of police officers have been involved in creating DATA BANKS which are not only used by police but Diplomats and British Intelligence which is part of creating the capitalist infrastructure of Britain itself all information is a tradeable commodity and at some point ends up in the Kremlin or Washington.Some folk say that the only thing that's secret about mi5 is where they live and how much money they earn each year everything else goes through the back door in one form or another…sorry chaps but that's the word…Dedman was involved in programming prisoners and the British mafia and Dedman itself is more a ring of pirates or network of people including criminals that help maintain protection within Britain.

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THE DEDMAN FILES - MI5

january 6, 2017

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Wikileaks-The Dedman Files (MI5 Dumping grounds)

Thu, 23/02/2017 - 11:48am — Annie Machon

The Dedman Files

Aswell as "bent" cops you also have "bent" MI5 Officers,sometimes there own dirty trix backfire.Last time you went on holiday some form of leaked Government dat probably went with you!....read on..

Researching the Dark Web (Ground base/wikileaks) recently uncovered some interesting information hidden in TOR files,these files indicated that both MI% and the CIA have growing concerns over "Dumping".This is a practice used by "renegade" types who work in the military/police/secret service.The practice of Dumping is regarded in certain circumstances as a breach of Human and Civil Rights however it cant be stopped and often directly affects the individuals,companies,organisations involved.

To understand "Dumping" look at the inverse which is Wikileaks,Julian Assenage and company "Dump" classified info publically,its what MI5 amd their Dirty Trixsters have done for years only you wont read about anywhere.It makes money basically and generates power and certain European Governments over the years have built upon itIn Ireland for example In county Wicklow and Dublin areas the local Police work with the other half to gain and Dump information (On net article...Wikileaks Irelands CIA Operations).Bent Cops and MI6 operatives have for years taken Files over to Ireland where they are misused.Simon O Brien GSOC was exposed as an MI6 agent involved in espionage and left the Irish Government Body GSOC because of "Dumping".In Wicklow Ireland Tourists reported to the FBI when they went back home that local country cops brgged by putting American police badges in their stations where tourists could see them!!! Even former IRA members and Sinn Fein members brag that they share illegaly gained information.In Italy and Spain Holidays are given to Dumpers,land property,homes are exchanged for information.the City of London Police did a really bad Dump a number of years ago allegedly sending over the owners of houses and buisness groups to the Russian secret service.Michael Flynn resigned recently as the American National Security advisor allegations against him include working with Russians and excepting bribes,Trump has a long history in property development and Hotels.

A percentage of british police Officers charge with illegally entering into British police computers are involved in "Dumping".

Further net reading Wikileaks Irelands CIA Operations

Facebook The Dedman Files

MI5 The Dedman Files

Jewlicious blog John Kerry is right Americans must finally accept the two state soution

Sorry "Mad Dog" Secretary of State New Garda Patton or what ever your handle is but Israel Secret Service got it first of Jewlicious.bye for now Red Oktober.

Source URL: https://www.worldsocialism.org/spgb/wikileaks-dedman-files-mi5-dumping-grounds

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Blog

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The greening of Fine Gael, a strategic blunder by the DUP and the future… December 22, 2017

Posted by WorldbyStorm in Uncategorized.
trackback

Talking to someone this last week or so they made three very interesting points, firstly that Fine Gael was wearing its new somewhat greener political clothing remarkably comfortably. Let's not overstate this. As noted previously Simon Coveney was at pains to point to the legitimacy of nationalist and unionist sentiment while saying clearly that he was a nationalist himself. That's fair enough.

It is key too to keep in mind that the DUP has never been slow to pronounce upon its own British nationalism, and Coveney has no apologies to make in that regard. It is also having a political effect, drawing support to FG.

And unlike the past when such expressions would rebound on actual nationalists inside the six counties, now in a period of power sharing and so on their isolation is much lesser than previously.

Speaking of the DUP the point was made that in a couple of weeks they probably have done more to weaken the union than the Provos achieved in three decades – that their intransigence, their determination to speak as if they alone were the sole voice of Northern Ireland, was deeply counterproductive. Their lack of outreach to nationalism (and not just SF) was lamentable. Newton Emerson has written persuasively along these lines, that tactically they do well, strategically they blunder time and again.

And what's this, a letter from the great and the good of the nationalist North essentially pleading with Dublin not to abandon them. And the third point was that that message was met in advance with a clear sense from Fine Gael (!) Ministers that they will not do so – for they had already in the last week said precisely that.

But two things strike me about the letter. This is, for want of a better term, polite civil society. FG isn't going to abandon them or their interests readily. They're their people – indeed one can see a sort of class politics about this, just it's not exactly working class politics. But moreover in a context where violence is off the table it is much more plausible for FG and others to engage more directly across the island. Again if Foster and the DUP can move back and forth east/west

There's another point and it is touched on in the Slugger post linked to above by Chris Donnelly, that Brexit and the collapse of Stormont has 'galvanised nationalism in the face of a perceived threat by the DUP and British government to row back on the post-GFA [dispensation]'. I've mentioned the power before of that perception, that the problem with the DUP (and the Tories) is that Brexit is a change to a status quo that was hard arrived at and difficult to maintain but which was to many a clear improvement on any given alternative. For the DUP and the British to torch that so unthinkingly (and again here we have the DUP boxing clever in the short term but incredibly stupidly in the longer one) was going to have ramifications and far far beyond Sinn Féin nationalism. And a key point Donnelly makes:

> There was a time when professional voices would not be raised in such a manner for fear of being associated with republicanism in the north.
> That time has gone.

And Donnelly suggests that while SF may be the political vehicle a broader nationalism is in play here. This too has ramifications.

Interestingly Newton Emerson while coming at this from a slightly different angle made essentially the same point:

> Dublin's tough stance on Brexit is the first cheering news Northern nationalists feel they have heard in years and they have responded with a striking mood of allegiance to the Republic.
> The risk in this for Sinn Féin is that its supporters will go over its

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- Speaking of UFO's
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- Mandrake the Magician and the fallibility of visual memory
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> moribund head and look directly to Dublin – a development that would amount, in all-Ireland political terms, to cutting out the republican middle-man.

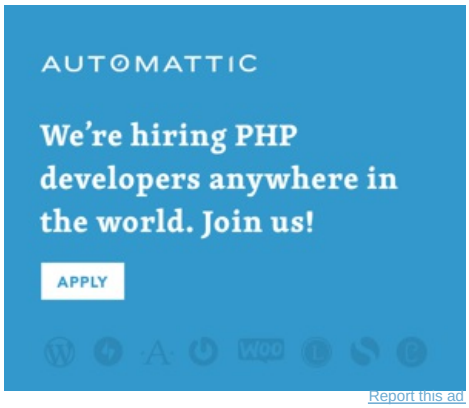
Perhaps so. Or just perhaps SF itself is going to become something different again…

BTW, we heard a lot of huffing and puffing in the past about Fianna Fáil and its ambitions north of the border. It's still an outside chance, but what of the possibility that FG might wind up with members there taking a more active role?

It may be an interesting decade or two ahead.

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1. An Sionnach Fionn - December 22, 2017

There is a significant chunk of SDLP supporters who elsewhere in the country would be middle-class, big farmer Fine Gael voters. The Austin Currie types would be far more at home in FG than Fianna Fáil. I've always thought that a move north by FG and FF would see the SDLP loose out more to the former than the latter. FF is more attractive to SF supporters.

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Left online magazines

- An Phoblacht Online
- Irish Left Review
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- 7% Herring (Liberius' Blog)
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- http://dublinstreams.blogspot.ie/
- Irish Eagle
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- Khmer Rouge Strippergram
- Lair of A Squirrel Red
- Lenin's Tomb
- Libero's Slice of P.ie
- Libertarian Alliance
- Little Atoms
- Lorenzo's blog
- Machine Nation (A Look Under the Nation's Bonnet)
- Malachy Steenson's Blog
- Midnight Court
- Misanthropy Abroad
- Most sincerely, folks

Reply

paulculloty82 - December 22, 2017

And with recent Lucid Talk polls suggesting that Alliance and Green voters could swing behind a united Ireland in the event of hard Brexit, perhaps FG and FF moving up North could consolidate such trends by “moderating” the image of nationalism?

★ Like

Reply

2. CL - December 22, 2017

”the Brexiteers knew as much about Ireland as they did about Samoa. It never figured in their referendum campaign in 2016 and they have not thought much about it since. For all their supposed devotion to British history, they have forgotten, if they ever knew, that the Irish question has been a central preoccupation of modern British governments from 1880 to 1922 and again from 1968 to 2007.
Already there were signs that this issue – the cause of the bloodiest and longest guerrilla war in Western Europe since the Second World War – beginning to re-emerge when Theresa May did a deal with the Democratic Unionist Party (DUP) to give her a majority after the general election. She casually abandoned the British government’s neutrality between unionists and nationalists in Northern Ireland, which was essential to its role as a mediator between the two sides.”
-Patrick Cockburn
http://www.independent.co.uk/voices/brexit-iain-duncan-smith-ireland-gavin-williamson-middle-east-air-strikes-global-a8124561.html

Because of May’s deal with the DUP its understandable that nationalists in the North would feel uneasy and the Dublin govt. has to step in. Which in turn provokes an atavistic response from unionists.

‘Mr Varadkar’s insistence that his government must have a say in Northern Ireland’s internal affairs should the negotiations fail has infuriated unionists.’
http://www.belfasttelegraph.co.uk/news/northern-ireland/unionists-react-as-varadkar-says-dublin-expects-to-have-real-and-meaningful-say-on-northern-ireland-should-efforts-to-revive-stormont-fail-36430403.html

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Reply

O'Connor Lysaght - December 22, 2017

Britain was not neutral as between unionists and nationalists (let alone republicans). Brooke lied when he said that it had no interest in keeping partition.Its need for a military base to protect its north-eastern approaches is less than it was but can still be seen on the map. It could secure it by a genuine treaty of friendship between equals, but I suspect its ruling classes could not imagine such a thing.
Given partition, Britain must support the anti-nationalist majority in the six co. area, tho’ if the ‘natives’ get too restless it may moderate its enthusiasm for their opponents.

★ Liked by 1 person

Reply

Shea - December 25, 2017

Thats it in a nut shell.

With the quote from vradker above, o Connors real politic leads on Dr nightdubs prophecy down below.

The status quo on the border is changing, the state is reasonably making attempts to defend it. At some point a new status quo is going to form. State has 3 options.

Oppose
Accept.
Ignore

History suggests accept.

Twice in the last two decades the ‘english want out of Ireland option has had a chance to prove itself, ‘ two weeks ago they didn’t take that option. With talk of majority unionist support needed for a ui in a border poll would be worried about the decades ahead. And Roddys right it is Englands fault

Anyway, beautiful rendition of silent night on Rte at the moment so less of that.

- Mutualist Blog
- Nick Cohen
- Norman Geras
- Notes on the Front
- Oireachtas Retort
- onegoodmove
- Ooccasional links & commentary on economics, culture & society
- Organized Rage
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- Paraffinalia: Ireland, Italy, politics, engineering, science, translation
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Political formations

Nollaig shona daoibh

★ Like

Reply

3. benmadigan - December 22, 2017

time someone somewhere stood up to Unionists “fury”, sneering attitudes and cast-iron certainty they will fight and always be right –
if the task has fallen through the latest election results to Dr Varadkar and Mr Coveney, let’s us all support them to the max

★ Liked by 1 person

Reply

sonofstan - December 23, 2017

The unionist sneering at us ‘Mexicans’ is pretty repellent for all sorts of reasons, not least the relative productivity of the two economies on the island, a ratio that doesn’t reflect well on our supposedly hard-working and canny northern neighbours. By the only measures they would respect – those of the market – they are the basket case, not us. But as in other respects, the view from 1922 trumps present reality for the PUL pols

★ Like

Reply

4. roddy - December 23, 2017

People , it all boils down to one incontrovertible fact – the 6 county state has no legitamacy whatsoever and never had. It is a totally artificial construct and the so called unionist “majority” only exists in a fraction of its landmass.Nowhere else would “leftists” give succour to the adherents of a right wing entity like unionism.I am now an adherent of the old. Peoples Democracy view that unionism has to be defeated. not appeased. Elected Unionism sits on the political spectrum from right to far right and nobody should be worried about annoying it.I am glad to see peace in this country and would totally oppose those who would try to to drag us back to conflict but that doesnt mean out and out reactionaries should be crawled to.

★ Like

Reply

Dr. Nightdub - December 23, 2017

Welcome back Roddy!

Just as Michael Collins sold out the north in 1922, I firmly believe Varadkar won’t be found wanting if realpolitik demands it be sold down the swanny one more time.

★ Liked by 1 person

Reply

makedoanmend - December 23, 2017

Hiya Roddy and happy hols

I think trying to “defeat” Unionism is a losing proposition. Now, more than ever, we need to respect and accept their viewpoint as an absolute. Having accepted them as they are, they merely become another human group with cultural markers that really aren’t all that different from any other group of humans. But I’m sure I’m preaching to the initiated, it’s just that I have to so often remind myself to follow my own prescriptions.

When living in Monaghan, I have good friends who go marching in Fermanagh and further afield. Yet they are, just like every other ‘free stater’, very much a product of their country and would not countenance undue interference from a foreign country like the UK. From my viewpoint, I sort of see a contradiction whilst they see none, and everyone just gets on with their lives.

However, this question will not go away: what happens if the EU negotiations with the UK turn to dust and a hard border becomes reality – or a hard border is an inevitability anyway? Civil disobedience? The Tories sneer at such activity and anyway they have the largest surveillance state in the history of mankind.

I think appeals to the pocket, since many in the North have economic interests that require an island wide approach, might be the only common point of interest in trying to solve the border conundrum at this juncture in history.

- Éirígí
- Campaign for Labour Policies
- Fís Nua
- Irish Peace Group – INNATE
- Irish Socialist Network
- People Before Profit
- Sinn Féin
- Socialist Democracy
- Socialist Party
- Socialist Workers Party
- The Communist Party of Ireland
- The Labour Party
- The Workers' Party
- United Left Alliance
- Workers Solidarity Movement

Polling Resources

- Irish Elections: Geography, Facts and Analyses (Adrian Kavanagh)
- Irish Polling Report

Resources

- Arguments for a Workers' Republic
- Aubane Historical Society
- CAIN: Conflict Archive on the Internet
- Cork LGBT History
- Critiques of Libertarianism
- Ephemeral Left
- European Trade Union Institute
- Foundation for European Progressive Studies
- Friedrich Ebert Stiftung
- Irish Anarchist History Archive
- Irish Election Literature Blog
- Irish Election Manifesto Archive
- Irish Labour History
- Laochra Uladh – A salute to Ireland's patriots from the "Border Campaign" era.
- Lars P Syll
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- “An Unrepentant Communist”
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- Cheebah and all that
- Circumlimina
- Combat Liberalism
- comradezhenka
- Crá Croí Cois Cuain
- Disillusioned Lefty
- Forward (Connolly Youth Movement)
- ie-politics

p.s. hope you visit a wee bit more often (request made with due humility to our common host, the inestimable WBS)

★ Like

Reply

WorldbyStorm - December 23, 2017

So do I hope he visits more often. He's always welcome. To put it mildly.

BTW, agreed re your point what happens if the agreement collapses…

★ Like

Reply

O'Connor Lysaght - December 23, 2017

Hallelujah, Roddy! However, the corollary to that is the battle (not necessarily a military one, but more a social one) that must be fought in the territory of the six counties if unity is to be achieved. Those grubstaking Varadkar and Martin are understandably repellent to unionists, even if they fail to see similar beams in their own eyes.
If you say that class struggle arising out of democratic national struggle is utopian, well it came near it several times during the last century's thirty year war.

★ Liked by 1 person

Reply

sonofstan - December 25, 2017

"The six county state [..] is a totally artificial construct"

Like every other state.

★ Like

Reply

5. CL - December 23, 2017

"The Taoiseach often reminds others about their commitments and responsibilities under the Belfast Agreement, yet by seeking to meddle in Northern Ireland's affairs, he runs a coach and horses through the Belfast Agreement…

"I trust the Taoiseach and his government's Foreign Minister will take the Christmas break to reflect on how they repair the damage caused by their careless statements.

"It seems they lack an understanding of unionists. By repeatedly making statements about joint authority and a united Ireland, both ministers show a naivety and at the same time undermine years of earnest work by Enda Kenny and Charlie Flanagan to build a meaningful relationship with Northern Ireland unionists."-Arlene Foster
https://www.belfasttelegraph.co.uk/news/northern-ireland/varadkar-making-republic-enemy-of-uk-warns-paisley-36432580.html

★ Like

Reply

WorldbyStorm - December 25, 2017

And yet by her every other word and action in regard to Brexit she seems to undercut any meaning in relation to Kenny/Flanagan.

Unimpressive.

If she was sincere she would not be attempting to slide away from the BA/GFA, indeed she'd be moving heaven and earth to retain it as it is – even in the context of Brexit.

★ Like

Reply

6. Jemmyhope - December 25, 2017

The 6 County construct is not a state in the normal sense or by definition. It is a colonial construction of British Imperialism and has little or nothing in common with other states across the world.
In fact many Unionists including Ian Paisley frequently referred to it as a Province.

★ Like

- Red Writers
- The Connolly Column

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Reply

7. roddy - December 25, 2017

Bernadette Devlin hit the nail on the head once when she asked if anyone in their right minds would suggest hiving off a piece of South Africa with a local white majority and keeping a supremacist state there.This is exactly what the Brits did to Ireland.

★ Like

Reply

8. moscow ct publishing - December 25, 2017

Its about time RTE itself produced something like this,Berte Ahern proclaimed he was a socialist on
November 13 2004 according to the New York times journalist Brian Lavery in an interview with
the Irish Times and of course theres Joe Higgins who allegedly gave impromptu lessons in Marxism
on radio,and for the record the Kremlin rewarded the Official IRA for advocating Marxism with
material assistance maybe even radio sets??
If you observe a map of Ireland most of the country is rural, that you may think is a bizarre
statement to make,however without industrialization of a country arguably you don't have a
capitalist systern.In fairness Irelands capital Dublin is decades behind London,New York,Paris,and
all and as for Irelands banking systems and history it reflects both climate and business
attitudes.Ireland today really has become a treasure island and is being plundered by many
intelligence services from around the world….and they don't mess about because the stakes are high
as with the gains.
The quaint thing about RTE is that they still have that oldy worldy lattitude,in a sense its a poliss
take they present this show like its some sort of happy go luky james bond episode,Ireland has been
hijacked and on top of that the vast majority of Irish people are to stoned on their own Poitin and
yes it does sound a bit like Putin and smells like teen spirit all mixed up like you know to realise or
even be bothered about whats going on in there own firkin Brewey,it works two ways Pat the more
you crive about US the more scarebear you get.
The cold war in IRELAND folks has only begun the dramatic changes seen in places like DUBLIN
in the last ten years are too fast to be a normal political situation,Kennys Government smelt like a
muppet offering whilst Leo Varadkar smells like two pounds of heroin for your all your old crappty
in the attic missus.I despise fascists and rascist but what I despise even more is the crappty that lies
and whitewashes after the bloodbath OF ANOTHER CRAPPER and pretends like it never
happened and doesn't want to know about the evidence its just your blushirted party doesn't know a
Connolly column from a nelsons column and to be frank that's were your hoody youdy
conservatism comes from The Fine Gael party is a front and always has been for a neo conservative
junta it was Enda Kenny that armed the ultra right in Ireland,every corner of Ireland has a right
wing wagstaffer that votes for FG farty.Hitlery Clinton had a thousand and one CIA operatives in
DUBLIN years ago and even more arrive every month.
Im not personally a member of the KGB although I wish I was id live in IRELAND and have lots of
false dole claims and identitys and I D spy on the tory trollops.
viva Israel VIVA CUBA https://socialistpartygreatbritain.wordpress.com/

article banned this week from indymedia!!!!!

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Who are the #spycops?

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Since 1968, across the UK, individuals have been targeted by secret police due to their involvement in political activism. Citizens have been spied on, manipulated, and abused in order to undermine democratic participation in politics.

From October 2010, **Activists began to unmask some of these undercovers,** exposing police officers who had infiltrated a cross section of social justice campaign groups. Many of these now **campaign opposing police surveillance**.

The **UK undercover policing relationships** scandal has continued to unfold though **coverage in the Guardian** and the rest of the media. Legal proceedings have been brought, including by **women deceived into intimate relationships** with undercover officers.

The Police response on all these matters has been “Neither Confirm Nor Deny’. In July 2015 the Home Secretary announced an **public inquiry into undercover police operations** in England and Wales. Please help amplify the call for a transparent, robust and comprehensive public inquiry.

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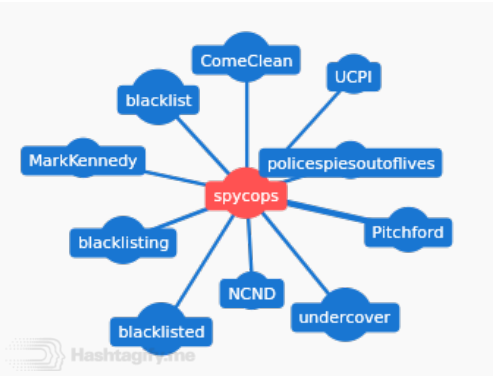
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EUROPE

UK Cops Stole a Dead Baby's Identity to Spy on Protest Groups

By Ben Bryant

January 7, 2015 | 10:55 pm

A dead newborn child's identity was stolen by undercover UK police officers working for an elite unit that infiltrated left-wing groups, London's Metropolitan Police Service has revealed.

The newborn was among a number of children whose identities were stolen by the Met's covert Special Demonstration Squad, with others aged one, four through 14, 16, and 17. Only the ages of the children have been released so that the identities of the officers are not compromised.

The identities were disclosed after repeated requests by Duncan Hames, a Liberal Democrat member of Parliament for Chippenham, who hoped that he would be able to console a constituent who feared that his 15-year-old daughter's identity might have been stolen. Because no 15-year-olds were identified, he was able to reassure the parent — but it took Hames nearly two years just to get police to release the ages of the children.

This woman was awarded $685,737 after learning her boyfriend was an undercover cop sent to spy on her. Read more here.

The Met secretly authorized the theft of identities from dead children for three decades, issuing covert officers with fake passports and authorizing them to infiltrate protest groups — all without consulting or informing the children's parents. The practice was revealed in 2013 following an investigation by the *Guardian*, which established that generations of police officers had searched national birth and death records for the right matches.

Police have since been forced to make a general apology, but have maintained that they cannot tell the individual families whose children's identities they stole.

> *'I think it undermines the confidence that we can have in the sincerity of the apology that was given that there was no willingness to address the anxieties that parents of dead children have.'*

Hames has been attempting to obtain the ages — and no other identifying information — since February 2013 under the UK's Freedom of Information Act, but the Met used "every means possible" to try and obstruct the release of the information, he told VICE News.

"Our experience over the last two years has been that they have taken every opportunity they could to resist sharing even the slightest bit of information about these activities," Hames said. "I think they probably just hoped that we would grow tired and go away. And that is an absolute travesty of how Freedom of Information is supposed to work."

"Instead of engaging with this totally natural desire for parents to know whether or not someone has been masquerading as their children, the police clammed up and weren't prepared to release even this modest amount of information," he noted.

UK police investigating five alleged pedophile rings involving "highly Influential" politicians. Read more here.

The dispute ended only when the Met abandoned its appeal against a ruling last August by the Information Commissioner, the watchdog for freedom of information requests, to publish the figures. "They realized their obstruction was indefensible," Hames remarked.

Hames accused the police of "feet dragging" when he raised the issue with Home Secretary Theresa May in Parliament on Monday.

"The Metropolitan Police Service (MPS) believes it pertinent to mention that it has been recognized by the Police Service — and the MPS in particular — that the tactic of using the identity of a deceased child to form a legend for undercover police officers may be viewed by some as 'morally repugnant' and that it is no longer police practice," Nigel Shankster, the Met's senior information manager, wrote in its final response to Hames. "The MPS has, in the intervening period, reconsidered its position in challenging the decision of the ICO at Tribunal and has decided that disclosure will indeed be made in this case."

The practice of using the identities of dead children for undercover police officers is no longer ongoing but it was widespread, according to an internal investigation by Derbyshire Chief Constable Mick Creedon, who also examined claims that some officers were involved in inappropriate sexual relationships while undercover. Creedon found that out of 106 pseudonyms adopted by the squad between 1968 and 2008, 42 can be confirmed or treated as highly likely to have come from dead children.

Hames told VICE News that he felt the police were still not willing to address the anxieties of parents who had lost children.

"I think it undermines the confidence that we can have in the sincerity of the apology that was given that there was no willingness to address the anxieties that parents of dead children have," he said. "I've been contacted subsequently today as a result of the attention that has been given to this information, so I know that there are other parents out there who have already been through a terrible experience who are now worried, and who are searching the internet to see if there are any signs that someone is going by their dead child's identity."

Inside the secret world of a British undercover drugs cop. Read more here.

The legislator has called for police to establish a procedure by which concerned parents can ensure their dead child's identity was not stolen.

"I really think that the Met police need to look again as to whether there is any process they can establish whereby they could reassure parents," he said. "If not in every case, at least in many cases."

This could be achieved via disclosure of geographical information or gender, Hames suggested, or a process whereby parents concerned that this may have happened to their child can go to the police and be reassured.

"I'm convinced there is more the police can do to put more parents' minds at rest," he said.

Follow Ben Bryant on Twitter: @benbryant

Photo via Wikimedia Commons

TOPICS: *police*, *undercover police*, *uk*, *special demonstration squad*, *london*, *london metropolitan police*, *liberal democrats*, *freedom of information*, *europe*, *crime & drugs*, *great britain*, *england*, *duncan hames*, *scotland yard*

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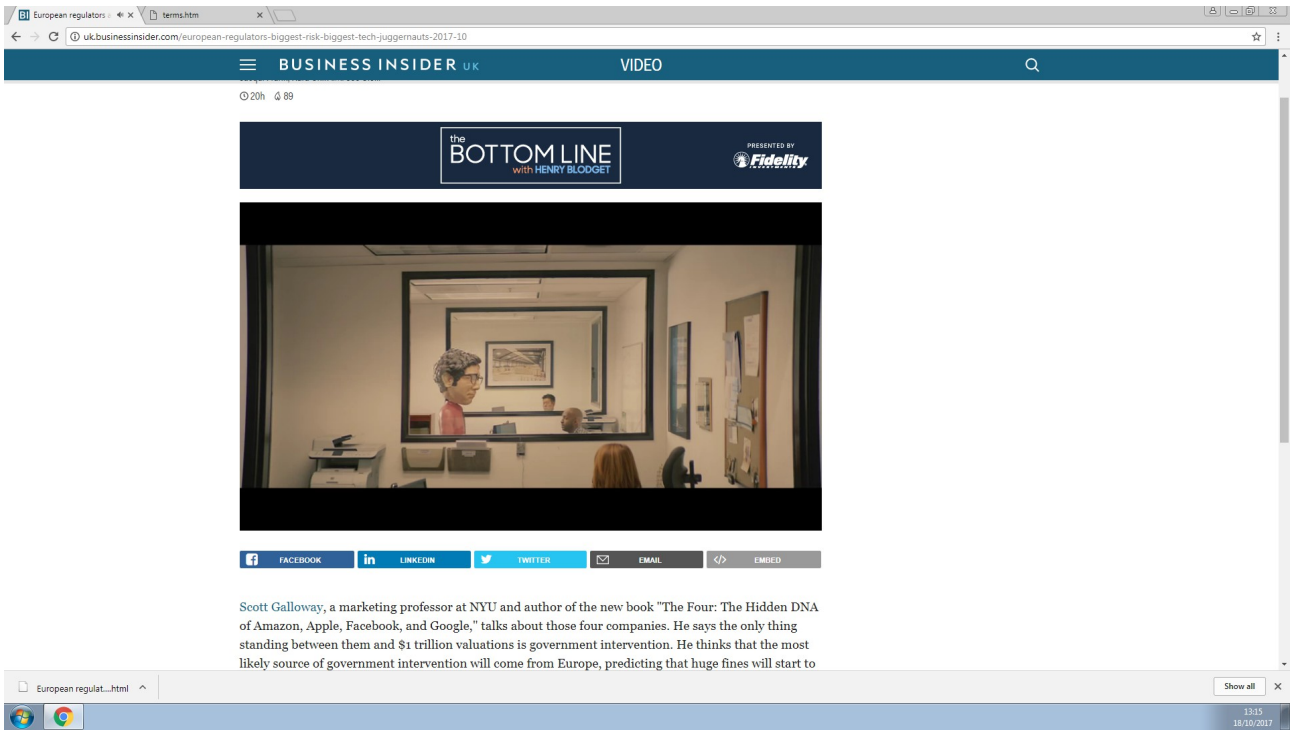
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Security Classification:	Not protectively marked
Disclosable under FOIA 2000:	Yes
Force / Organisation:	NPCC
Author	Sherry Traquair
Date Created:	18/02/2016
Telephone:	02380 478922
Implementation Date:	07 March 2016
Review Date:	01 September 2017
Authorised by:	NPCC Coordination Lead Andy Ward

Undercover Policing Inquiry (UCPI)
Freedom of Information Requests

NPCC Publication Strategy

This document should form part of the overall NPCC communications strategy and should be read in conjunction with it.

Background to the Inquiry

Following the Kennedy revelations in 2013, the media reported allegations in early 2011 of misconduct during undercover operations by a unit within the Metropolitan Police Service (MPS) called the Special Demonstration Squad (SDS). In October 2011 the MPS launched a review of the SDS under Operation Soisson. Following what was discovered during that review, together with further allegations made in the media, in February 2013 the MPS Commissioner, Sir Bernard Hogan-Howe ordered a wider review and full investigation. This is ongoing, is led by the Chief Constable of Derbyshire, Mr Mick Creedon QPM and in October 2013 the operational name was changed to Operation Herne. The scope of the review under Operation Herne has been expanded to embrace further allegations of misconduct, Chief Constable Creedon has since delivered four reports to the Commissioner:

Report 1 - Use of Covert Identities was published in July 2013;
Report 2 - Allegations of Peter Francis was published in March 2014;
Report 3 - Special Demonstration Squad Reporting: Mentions of Sensitive Campaigns was published in July 2014;
Report 4 - Operation Herne Update was delivered in February 2015 and had restricted circulation.

On 6th March 2014, the Home Secretary made a statement in the House of Commons in which she summarised some of the findings made by Mark Ellison QC and Operation Herne. She announced that she would be commissioning an external review into the role of the Home Office in the commissioning and work of the SDS.

In a written statement to the House of Commons on 12 March 2015 the Home Secretary announced a Public Inquiry under the Inquiries Act 2005. She stated that the inquiry would "review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice".

Purpose

- To inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968 and, in particular, to:

- Investigate the role and the contribution made by undercover policing towards the prevention and detection of crime;

- Examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general;

- Ascertain the state of awareness of undercover police operations of her Majesty's Government;

- Identify and assess the adequacy of the:

- Justification, authorisation, operational governance and oversight of undercover policing;
- Selection, training, management and care of undercover police officers;

- Identify and assess the adequacy of the statutory, policy and judicial regulation of undercover policing.

Detailed information concerning the inquiry can be found via the following direct web-link:

https://www.ucpi.org.uk/faqs/

It was agreed by Chief Constables at National Police Chiefs Council (NPCC) that in order to ensure a comprehensive and consistent approach to the initial and future anticipated Rule 9 requests and the calling of evidence before the inquiry, it would be necessary to put in place a national co-ordination capability. As a result, Andy Ward was appointed to take on all relevant responsibilities for that work on behalf of all Chief Officers. This work involves coordination on behalf of the NPCC Central Office, the National Undercover Working Group and 43 police forces of England and Wales, with the exception of the Metropolitan Police Service (MPS) who have individual status. The NPCC has been granted core participant status in the inquiry and as such has appointed its own leading counsel to represent NPCC.

It is clear that this public inquiry will be a wide ranging and in depth examination of undercover policing that will affect **all** forces irrespective of whether a dedicated undercover unit existed or otherwise. It is for this reason, and the intended scope of scrutiny, that all forces are encouraged to work to a common standard, and to work together in the management of information which may be subject to this public inquiry.

Freedom of Information Act 2000 (FOI)

The Freedom of Information Act 2000 does not apply to the Undercover Policing Inquiry (UPCI), however in keeping with the spirit of the freedom of information act, the UCPI will, as far as possible, consider requests for information in accordance with the principles of the Act, and will publish the transcripts of the public evidence on their website as soon as possible after a hearing. The inquiry recognises the sensitivity of some of the evidence being provided and may redact or withhold certain information which the chairman deems appropriate to withhold. It is worthy of note that the material accumulated during the course of the inquiry will become subject of FOI once it has concluded.

The Freedom of Information (FOI) legislation does provide the general public with an automatic right to request information from a public authority (PA). For the purposes of this Inquiry, the relevant PAs for the Policing sector will be the police forces in England and Wales, the Metropolitan Police Service (MPS) and the NPCC the NUWG sits under the NPCC). It is important to note that any information held by a public authority for a business purpose regardless of its origins or author, will be subject to the legislation. It is mandated with the FOI Act that the information holder, receiving the request, will be solely responsible for decisions regarding disclosure. However, under Part IV of the Secretary of States Code of Practice, governed by section 45 of the legislation, there is a clearly defined requirement to consult with third parties who may be affected by any such disclosures.

Whilst it is recognised that both PSNI and PSOS are not subject to the inquiry, it is important that they are included within the FOI referral process as they are likely to hold information pertaining to other forces.

All FOI requests capturing information relating to undercover policing which include covert operations and surveillance activities are, until further notice, considered to be a mandatory referral to the NPCC Freedom of Information and Data Protection Unit (NPFDU) as per College of Policing Authorised Professional Practice (APP), a process all chief officers are signed up to. Upon receipt of a referral, the NPFDU will ensure that the NPCC UCPI

coordinating team and stakeholders are consulted for a view on disclosure or retention of the requested information. In addition, whilst the application of NCND will be strictly maintained wherever possible, it cannot be considered as a blanket approach in handling such requests and must be dealt with on a case-by-case basis in line with public interest arguments. These collective views from the main stakeholders will be provided to the PA in receipt of the request in order that it can make a properly informed final decision which is based on a national corporate view and supplemented by their own local factors. It is important that each request is dealt with on a case by case basis.

In addition to the above, the NPCC FOI publication strategy has been formulated in order to allow any public authorities to take advantage, when appropriate, of the exemption within FOI legislation found at Section 22.

Section 22 exempts information from disclosure which is intended for future publication. Section 22 may be engaged when there is an intention to publish the information requested at the time of receipt. Without this intention, Section 22 may not be used and authorities may not take the decision to publish the information **after** the request for information is received. The key to it is that the decision to publish must have been made prior to any request for the information being received prior to 15 March 2016.

The NPCC decision to produce this intention to publish data means that the Section 22 exemption is engaged for any PA wishing to apply that exemption. That decision does not have to have been made by the PA receiving the request, but can be made by any party who also holds the same information. **This publication strategy is therefore transferable between all relevant parties covered by the public inquiry.**

The identified benefits of engaging this exemption are that dealing with requests for certain data whilst the Inquiry is ongoing can be complex and resource intensive. Also, random piecemeal disclosures may in fact damage the inquiry process and affect the strategic aims of the inquiry and Operation Herne. This can manifest itself in many ways but can include disclosures which enable offenders to evade undercover tactics in the future and the raising of unfounded concerns by victims, witnesses and even offenders and their families. There will also be an appetite from the media to gain exclusive knowledge and data, via FOI.

The application of this exemption, under Section 22 of the FOI Act also allows a sterile period, prior to publication by the NPCC / forces in accordance with the intended publication listed at appendix A and appendix B of this strategy. Where all the stakeholders are able to consult, ensuring the final publication document meets the full needs of the public and the authorities involved. This coordinated approach to publication mitigates any harm that may be caused by random incomplete information entering the public domain.

What is critical to the success of this strategy is that any rationale for not complying with the section 22 approach is recorded so that a precedent is not set which undermines other PAs ability to engage the exemption. This is expected to take shape of some overriding, compelling, public interest factor, specific to an individual request, as the exemption itself is subject to a public interest test and such matters must be dealt with on a case-by-case basis.

The NPCC intend to publish interim and final reports in the future to include information on costs, resources, findings and recommendations relating to matters falling within the remit of the inquiry. Individual forces may also decide to publish material. If so, a decision must be established prior to the receipt of an FOI request. Appendix B is a non-exhaustive of the type of information you may wish to consider for future publication. The first table, Appendix A, is information the NPCC will undertake to publish during the inquiry.

It is unlikely that any information will be released under FOIA that would be likely to prejudice individual undercover officers (UCOs), ongoing police investigations or cases, or any information that would reveal policing tactics or methodology. As a result, a number of exemptions are likely to be engaged where such disclosures would impact on Section 23 Information supplied by security bodies, Section 24 National Security, Section 30 Investigations, Section 31 Law Enforcement, Section 38 Health & Safety and Section 40 Personal Information. Careful consideration must also be given to the 'mosaic' effect whereby they overlap or linking of strands of information can provide a fuller picture and thereby present an increase in risk.

Information may be disclosed through carefully managed media releases as and when necessary with the approval of the NPCC Lead and in consultation with the NPCC communications team.

You may also wish to consider S21 Information available by other means, for any information already published by a Public Authority or the Undercover Policing Inquiry (UCPI) at the time a request is received.

Data Protection Act (DPA)

In addition to FOI requests, a relevant PA may also receive a request under subject access for personal information under the DPA. The main difference between this and FOI is that a release of personal information is not a release to the world in general. Although it is impossible to prevent what a data subject may do with their information, the information itself is also subject to a range of exclusions to disclosure, primarily law enforcement. As with FOI, the ultimate decision on disclosure will lay with the individual data controller, but in contrast to FOI, the personal information may not be held by all PAs involved in the operation.

Whilst there is no formal referral process for DPA requests, PAs are encouraged to refer such requests to both the NPCC lead and the NPCC DP Officer who will be in a position to provide corporate advice and direction on disclosure in conjunction with other relevant stakeholders. This is particularly relevant to any DPA request that may have any link to undercover policing during the lifetime of the UCPI, especially when considering the potential impact on individual UCOs, ongoing investigations or cases and in consideration of the 'mosaic' effect (see above).

As the information under DPA is of a personal nature it is highly likely that certain subjects may seek to publicise their involvement in the inquiry, especially if there is a sense of injustice. It is therefore important that local media teams are briefed on any DPA disclosure, by their own PA, who will then be responsible for notifying NPCC Communications.

Appendix A - Information held by the NPCC

Type Of Information	Relevant Material	Publication Strategy
Financial Information.	Total cost to NPCC for the Inquiry/ investigation. Legal costs. Staff travel and Expense claims.	Known costs and claims to be published annually by financial year commencing 01 May 2017. (Andy Ward)
Staffing Levels.	Number of police and staff engaged on the coordination team. Details of contracted staff or consultants.	To be published by financial year commencing 01 May 2017. (Andy Ward)
Communications	Key communications between NPCC coordination team and all stakeholders. Key communications between Op Herne and stakeholders Position Statement NPCC submission to UCPI (Rule 9).	Releases and communications updates issued. Identify and publish Senior staff names. Subject to Liaison with MPS. (Nicola Growcott) Published by UCPI (redacted)
Correspondence	Correspondence including letters and emails	As and when applied for under FOI and after due consideration regarding the content and any applicable exemptions. (Sherry Traquair)

Appendix B - Information held by England & Wales forces (Force Template)

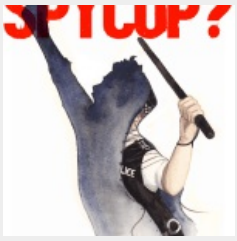
Type Of Information.	Relevant Material.	Publication Strategy.
Financial Information	Total cost to force incurred by Inquiry. Legal costs. Staff travel and Expense claims.	Known costs to be published by financial year.
Staffing levels	Number of police and staff engaged on the Inquiry / Investigation team. Details of contracted staff or consultants.	Consideration given to release total number off staff engaged by financial year.
Investigations	Number of police and staff engaged on Force Inquiry / Investigation team. Force submissions to UCPI (Rule 9).	Identify and publish Senior staff names. Subject to Liaison with NPCC coordination team. Published by UCPI (redacted).
Media Correspondence	Communication and media strategy.	Publish live communication releases.
Reports	Any other interim report concerning specific strands within the remit of the inquiry	Publish at regular intervals or at conclusion of Inquiry.
Policies	Relevant Force policies suitable for publication.	Publish from outset.

Version	Date	Authorised By (Name and Position)	Signature
1.2	07/03/2016	NPCC Lead Andy Ward	
1.3	17/03/2016	NPCC Lead Andy Ward	
1.4	01/09/2016	NPCC Lead Andy Ward	
1.5	01/09/2017	NPCC Lead Andy Ward	

F E A T U R E D

‘Was my friend a spycop?’ publication now out

2



— Was My Friend A Spycop? guide now available.

A guide to the do’s and don’t’s of investigating if a comrade was an undercover police officer is released today,

In this 24 page booklet, we have brought together all the lessons we have learned to help you do your own investigation.

It covers how to start investigating and the sorts of questions that need answering. Equally importantly, we discuss how to support each other or deal with situations which are inconclusive. It takes you through the process step by step, so even if you have already started your own investigation there is help with what to do once you have come to a conclusion.

Supporting each other

Continue reading →

Posted in **How we work** | **2 Replies**

F E A T U R E D

The Undercover Research Project aims to create an one-stop resource on political policing and undercover surveillance. This blog discusses the undermining of protest and dissent, to support others holding those responsible to account.
The actual profiles can be found at the Undercover Research Portal.

Posted in **How we work**

John Graham and behind the scenes in 1968

Posted on **August 24, 2017**

Donal O'Driscoll, Undercover Research Group, 25 August 2017



— Cover of the Vietnam Solidarity Campaign bulletin advertising the protest of 27th October 1968.

The impact of the protests of 1968 on reshaping left-wing politics is well-known. It also had another important effect, the development of political policing through the use of specialist undercovers to spy on protest movements. One of those early spies, the Undercover Policing Inquiry has now revealed was a 'John Graham'. Examining what little is known of him has allowed a rare light to be shone on the much less studied events behind the scenes leading to the outpouring of protest that year.

Politics in 1968 was dominated by the United States involvement in the Vietnam War. In the UK, the opposition was lead by the Vietnam Solidarity Campaign, a broad coalition of hard-left groups, but in the main lead by Trotskyists. It was the VSC which organised the mass protest of March 1968, when thousands of protests occupied Grosvenor Square and fought with police to get access to the US Embassy there. This caused huge embarrassment to the Labour Government of its time. With a second big demonstration being organised that October, the pressure was on the police to gather intelligence to prevent a repetition – and it was this which directly lead to the setting up of the notorious spycop unit,the Special Demonstration Squad under Det. Ch. Insp. Conrad Dixon.

1968 was also important because it was the year radical student politics came into its own. At the heart of this was the Revolutionary Socialist Students Federation (RSSF). Again a broad church coalition many of its leading lights came from the same Trotskyist milieu as the VSC. The core of the activists was based in and around north west London – Camden, Hampstead, Kilburn and the like.

Studying 'John Graham' has been a fascinating exploration of the history of the time, allowing us to examine rarely seen archives which documented some of the internal workings of the VSC. For anyone looking at an understanding of the history of protest at the time, our profile is possibly worth a read for that reason alone.

Founding of the Special Demonstration Squad

Continue reading →

Posted in **Pitchford Inquiry**, **Profiles**, **Uncategorized**, **Undercover exposed** | **Leave a reply**

Three New Spycops Named – But Others Get Hidden

Posted on **August 14, 2017**



Repost from Campaign Opposing Police Surveillance*, 14 August 2017.*

The public inquiry into undercover political policing has published three new names of spycops and, for the first

time, they're new names rather than just confirming what activists, whistleblowers and journalists had already revealed.

However, among the hefty tranche of new papers from Inquiry Chair Sir John Mitting are grave indications of that he is seeking to prevent the full truth coming to light.

Having dragged out the process of beginning the inquiry for years, earlier this year the Metropolitan Police were given a firm timetable for applying for 'restriction orders' for the anonymity of undercover officers.

As expected, the Met are pushing for maximum secrecy, arguing that it would make officers worried and sad to be publicly known for what they've done. The Met also argue that the officers would be at risk of violent reprisal, despite nothing of the kind happening to the swathe of officers who have been very publicly exposed since 2010. With deadlines passing, the Met have had their hand forced and, finally, we are getting a small measure of new information from the Inquiry.

THREE NEW SPYCOPS

As had been suggested by some victims, the new names are all from the early days of the Special Demonstration Squad in the late 1960s and early 1970s. With those involved being of advanced age, there's some merit in tackling these cases first. Indeed, one of the three newly named officers is already dead.

Read on at the COPS website

Updated list of known spycops, it's still only 23 out of at least 144.

Posted in **Pitchford Inquiry**, **Undercover exposed** | **Leave a reply**

Rod Richardson – a pivotal spycop

Posted on **June 27, 2017**



— Undercover police officer 'Rod Richardson', who infiltrated protest groups from 1999 to 2003.

Donal O'Driscoll, Undercover Research Group, 28 June 2017

Yesterday, we released our profile of undercover officer 'Rod Richardson' . It is one of our largest profiles to date, three years in preparation, with dozens who knew him interviewed. We spent this time and effort because, of those exposed to date, we believe Rod is one of the most important and his deployment raises significant questions.

(Also see: Rod Richardson: #spycop was used to undermine protest, 26 June 2017)

What we know of Rod is that he was deployed in Summer 1999, in Essex, where he turned up at the Save Gorse Woods campaign at Rettendon. There he offered his house as a facility to other protestors. From 2000 he becomes involved in two strands of work. In London he focuses on anti-globalisation and anarchist groups such as W.O.M.B.L.E.S and Movement Against the Monarchy (MA'M). The other is infiltrating environmental networks, such as Earth First! and particularly the alternative scene in Nottingham. He disappears in Summer 2003, saying he was joining his girlfriend abroad.

Rod was not a passive observer of the activism he targeted. He threw himself in head-first. He was on the front line or driving for big demonstrations. Carefully documenting his time in London, we can place him close to the centre of quite a few events which saw heavy policing, such as Mayday, DSEi and anti-monarchy protests.

There is good cause to believe that it was his intelligence that lay behind a number of pre-emptive arrests and targeting of squats and campaigners. When we studied contemporary newspaper accounts, it was clear how heavily the police were relying upon such intelligence. Having confirmed his presence at the time, it is now clear that Rod is a strong candidate for being their principal source. Continue reading →

Posted in **Uncategorized** | **Leave a reply**

Rod Richardson: #spycop was used to undermine protest

Posted on **June 21, 2017**



Eveline Lubbers, Undercover Research Group, 26 June 2017

Today we publish the profile of Rod Richardson, the undercover officer active as an environmental, anarchist and animal rights protestor between 1999 and 2003 in Essex, London and Nottingham. Richardson was exposed on *Indymedia UK* and in *The Guardian* in 2013 and confirmed as a spycop in December 2016.

Piecing together the profile of Rod Richardson and the details of his tour of duty in the world of activism, it occurred to us that the policing of two major protests he had been involved in had been subject to extensive legal challenges since.

Today we look at the forced return of the Fairford coaches on their way to an anti-war rally in 2003, with Rod Richardson on board; and part 2 will investigate the kettling of MayDay protesters at Oxford Circus in London in 2001, again with Rod in the middle of everything. In both cases, the police detained a fairly large and mixed group of people in quite extreme ways, while also in both cases protesters fought a decade-long legal battle to uphold their right to protest.

Investigate exactly what role he has played in these protests, the core question is to what extend the intelligence gathered and the activities of the undercover officers influenced the actual policing of these events.
Continue reading →

Posted in **Analysis**, **Pitchford Inquiry**, **Profiles** | **Leave a reply**

Spycop liberated chickens, and other updates on Andy Coles

Posted on **June 5, 2017**



— Andy Coles undercover with Gulf War Resisters at Fairford, 1991. Photo Noor Admani; (c) Peace News.

Donal O'Driscoll, Undercover Research Group, 6 June 2017

Since the exposure of Andy Coles as the former spycop Andy 'Van' Davey, more information on him has been steadily trickling in. We've collected the most important updates:

- Infiltrating the anti-war group ARROW
- Another allegation of inappropriate behaviour
- Andy's role in a 1993 chicken liberation;
- Questions over possibly illegally obtained police warrants.

New discoveries: infiltrating anti-war groups

Peace News has revealed that prior to infiltrating animal rights groups, Andy Coles targeted the small but highly visible anti-war group Gulf War Resisters, later Active Resistance against the Roots of War (ARROW). As Andy Davey, he attended their meetings and demos throughout 1991. Peace News also unearthed the first proper full face photo of Andy undercover (shown above), and two of him on a protest.

Davey's time as an anti-war protester preceded his tour in animal rights, but his cover was already in place – he would wear the clothes, and use the same pager and the van he would appear with later on. To the anti-war activists he made out that he was already involved in the Animal Liberation Front – not true as far as we know – which he used to add an aura of mysteriousness about his background. In Peace News Emily Johns explains she found this very weird at the time:

He told me, to impress me I thought, that he was a press officer for the ALF (Animal Liberation Front).

I remember thinking: 'What kind of a fool do you take me for? Or what kind of a fool are you to tell me that?' The ALF was and still is a very secretive group, carrying out direct action against animal exploitation. Either Andy was not a press officer for the ALF, and he thought that I was the kind of person who would be impressed by that boast, or he was an ALF press officer breaking the secrecy of the group with someone he barely knew.

Continue reading →

Posted in **Undercover exposed** | **Leave a reply**

For core participants and others – request your police files

Posted on **May 30, 2017**



Lord Justice Pitchford is clearly very reluctant to release any personal information about those who were spied on beyond the details the Undercover Policing Inquiry feels that it needs to conduct its investigations. This is not the same, of course, as releasing the files that were gathered on individuals so they can understand the extent of the intelligence gathering and surveillance on them. So, let's help them a bit! Continue reading →

Breaking – Andy Coles resigns as Deputy Police Commissioner for Cambridgeshire

Posted on **May 15, 2017**



— ex Met #spycop Andy Coles resigns as DPCCC.

Andy Coles has announced his resignation, effective immediately, following a weekend of press scrutiny over his past activities as an undercover police officer, in which the woman he deceived into a relationship called for him to step down.

- Statement of Jessica , 12 May 2017
- Our profile on Andy Coles' undercover work
- Finding Andy – our blog, 12 May 2017

Statement from the Office of the Police and Crime Commissioner

May 15th, 2017

Statement from Deputy Police and Crime Commissioner, Andy Coles

There have been news reports over the weekend about which I am unable to comment.

This coverage is significantly impacting on my ability to carry out my duties as Deputy Police and Crime Commissioner.

I have therefore today tendered my resignation with immediate effect, which Police and Crime Commissioner, Jason Ablewhite has accepted.

I am aware that the allegations have been referred directly to the Independent Police Complaints Commission (IPCC).

Statement from the Police and Crime Panel

There have been news reports over the weekend regarding Deputy Police and Crime Commissioner, Andy Coles.

A referral has today been made by the Police and Crime Panel to the Independent Police Complaints Commission (IPCC).

As a result of the referral, we are unable to make any further comment at this stage.

Statement from the Police and Crime Commissioner, Jason Ablewhite

Following news reports over the weekend, Deputy Police and Crime Commissioner, Andy Coles has taken the decision to resign from his post with immediate effect.

I have accepted his resignation.

The matter has been referred directly to the Independent Police Complaints Commission (IPCC) for their

consideration, therefore I will not make any further comment.

ENDS

Posted in **Uncategorized** | **1 Reply**

Finding Andy – ex #spycop now Deputy Police and Crime Commissioner

7

Posted on **May 12, 2017**



Dónal O'Driscoll and Eveline Lubbers, Undercover Research Group, 12 May 2017

Today we expose Andy Davey who was undercover in the animal rights movement in the early 1990s. His real name is Andy Coles, and he is currently a Tory councillor and Deputy Police and Crime Commissioner.

Simon Israel at Channel4 News at 7pm has an interview with 'Jessica', the woman Coles groomed into a relationship when she was just 19, and in *the Guardian* Rob Evans has Jessica calling for Coles to resign.

Update
Breaking – Andy Coles resigns as Deputy Police Commissioner for Cambridgeshire , our blog, 15 May 2017.
Rob Evans, Cambridgeshire deputy police commissioner resigns over spy claims, *The Guardian*, 15 May 2017

Finding Andy

Each discovery of a new undercover police officer in protest movement comes with its own unique twists and turns. For Andy Coles, it began with a small paragraph in the autobiography of his more famous brother, the former popstar (*The Communards!*) Rev. Richard Coles. From there we were able to track not only what he got up to undercover, but also where he is now. These days, he is a Tory councillor and Deputy Police and Crime Commissioner for Cambridgeshire and Peterborough.

The painstakingly unravelling of a hidden identity and documenting the activities of spycops is a process that usually takes months and months. More often than not, what you are left with after excruciating amounts of sifting out false positives is only 95% certainty that someone had indeed been a spycop.

Finding Andy Coles was a very different story: it moved much faster. His undercover persona *Andy Davey,* also known as *Andy 'Van',* was first outed by his former animal rights comrade Paul Gravett online in 2014. At the time, little was known other than that Andy fitted the pattern of spycops discovered to date. However, the investigation began in earnest when in January 2017 we got a little help from some friends. Someone reading *Fathomless Riches, Or How I Went From Pop to Pulpit,* the autobiography of the pop star, broadcaster and Anglican priest Richard Coles, spotted the following intriguing paragraph:

My older brother, Andy, brought his own drama with him. He looked like he had just walked out of the woods, his hair long and shaggy, with a straggly beard, his ears rattling with piercings; but his disarray was not like mine, an outward sign of internal distress, but suffered in the line of duty. He had joined Special Branch and was undercover, living a double life, infiltrated into some sinister organisation while his wife and baby daughter made do with unpredictable visits.

Continue reading →

Posted in **Pitchford Inquiry**, **Profiles**, **Relationships**, **Undercover exposed** | **7 Replies**

How activists dealt with Stasi Tactics before the fall of the Berlin wall

Posted on **April 20, 2017**



Repost of Max Hertzberg's blog Stories from the edge of utopia, 22 November 2016. Pics by Carrie/1000 blackbirds.

> N.B. In general, we are careful not to compare the UK #spycops saga with a totalitarian state systematically spying on its citizens. Max however has studied Stasi files and spoke to people spied upon.

Taking a look at the experiences of political activists in East Germany (GDR) who had to deal with Stasi informants and infiltration before the fall of the Berlin Wall in 1989, this post is based on interviews with people who were politically active in East German times, and reflects their experiences. Those familiar with how police spies have been used for example in Britain may recognise the tactics used by both secret police and GDR activists.

The invasive spying and disorientation tactics used by the East German secret police (Stasi) meant there were significantly fewer possibilities for civil disobedience and direct action than political grassroots activists have today in countries places such as Western Europe and North America. Nevertheless political activists in East Germany managed to start a grassroots revolution in 1989.

East German opposition and activism

Because non-state organisations were prohibited in the GDR, networking and co-ordination between activists was informal: independent groups and networks stayed in contact through newsletters and the exchange of campaign materials, and there was a mix of local and regionally co-ordinated covert and open actions.

Activists in the GDR also campaigned on issues that will feel familiar to many campaigners today: anti-nuclear and peace issues, challenging economic paradigms of growth and consumption at any cost; resistance to an undemocratic state and its activities; propagating and practising sustainable choices versus exploitation of environment and animals. There was a strong emphasis on DIY culture with egalitarian, equitable principles – politically most activists in the GDR in the 1980s self-defined as socialist or anarchist. Continue reading →

Posted in **Uncategorized** | **Leave a reply**

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My Tweets

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- **John Graham and behind the scenes in 1968**

- **Three New Spycops Named – But Others Get Hidden**
- **‘Was my friend a spycop?’ publication now out**
- **Rod Richardson – a pivotal spycop**
- **Rod Richardson: #spycop was used to undermine protest**
- **Spycop liberated chickens, and other updates on Andy Coles**
- **For core participants and others – request your police files**
- **Breaking – Andy Coles resigns as Deputy Police Commissioner for Cambridgeshire**
- **Finding Andy – ex #spycop now Deputy Police and Crime Commissioner**
- **How activists dealt with Stasi Tactics before the fall of the Berlin wall**

Campaign Opposing Police Surveillance



Spycops Communications Group



The Network for Police Monitoring

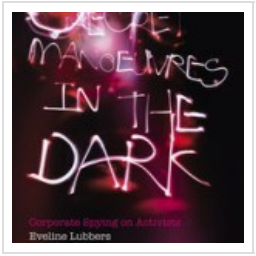


C O L L A B O R A T I N G W I T H :

ARspycatcher
Police Spies Out of Lives
Network on Police Monitoring
Campaign Opposing Police Surveillance (COPS)
Spycops Comms Group
Statewatch
Blacklist Support Group
SpinWatch
Powerbase
Undercovers.tv

Other resources:
NetPol guide to requesting your data from the police
Hillsborough Justice Campaign
BristleKRS
Bristling Badger
Secret Manoeuvres

C O R P O R A T E A N D P O L I C E S P Y I N G O N A C T I V I S T S :



A R C H I V E S

- **August 2017**
- **July 2017**
- **June 2017**
- **May 2017**
- **April 2017**
- **March 2017**
- **February 2017**
- **January 2017**
- **December 2016**
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- **July 2015**
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- **April 2015**
- **March 2015**
- **February 2015**
- **January 2015**

D I S C L A I M E R

The Undercover Research Group endeavours to ensure that all material published is fully sourced and checked as far as possible. We understand that this is not an infallible process...
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U N D E R G R O U N D R E S E A R C H G R O U P

This Wordpress site serves as the entrance to the Undercover Research Group portal at Powerbase.info.
The list of other groups we collaborate with can be found in the right hand menu.

R E Q U E S T F O R I N F O R M A T I O N

We actively ask people who know of undercover officers or spying on activists and justice campaigns to get in touch.
Support to develop the Undercover Research Project and the help set and improve the site is very welcome too.
Find our details under **Contact**

Proudly powered by WordPress

Security Classification:	Not protectively marked
Disclosable under FOIA 2000:	Yes
Force / Organisation:	NPCC
Author	Sherry Traquair
Date Created:	18/02/2016
Telephone:	02380 478922
Implementation Date:	07 March 2016
Review Date:	01 September 2017
Authorised by:	NPCC Coordination Lead Andy Ward

Undercover Policing Inquiry (UCPI)
Freedom of Information Requests

NPCC Publication Strategy

This document should form part of the overall NPCC communications strategy and should be read in conjunction with it.

Background to the Inquiry

Following the Kennedy revelations in 2013, the media reported allegations in early 2011 of misconduct during undercover operations by a unit within the Metropolitan Police Service (MPS) called the Special Demonstration Squad (SDS). In October 2011 the MPS launched a review of the SDS under Operation Soisson. Following what was discovered during that review, together with further allegations made in the media, in February 2013 the MPS Commissioner, Sir Bernard Hogan-Howe ordered a wider review and full investigation. This is ongoing, is led by the Chief Constable of Derbyshire, Mr Mick Creedon QPM and in October 2013 the operational name was changed to Operation Herne. The scope of the review under Operation Herne has been expanded to embrace further allegations of misconduct, Chief Constable Creedon has since delivered four reports to the Commissioner:

Report 1 - Use of Covert Identities was published in July 2013;
Report 2 - Allegations of Peter Francis was published in March 2014;
Report 3 - Special Demonstration Squad Reporting: Mentions of Sensitive Campaigns was published in July 2014;
Report 4 - Operation Herne Update was delivered in February 2015 and had restricted circulation.

On 6th March 2014, the Home Secretary made a statement in the House of Commons in which she summarised some of the findings made by Mark Ellison QC and Operation Herne. She announced that she would be commissioning an external review into the role of the Home Office in the commissioning and work of the SDS.

In a written statement to the House of Commons on 12 March 2015 the Home Secretary announced a Public Inquiry under the Inquiries Act 2005. She stated that the inquiry would "review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice".

Purpose

- To inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968 and, in particular, to:

- Investigate the role and the contribution made by undercover policing towards the prevention and detection of crime;

- Examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general;

- Ascertain the state of awareness of undercover police operations of her Majesty's Government;

- Identify and assess the adequacy of the:

- Justification, authorisation, operational governance and oversight of undercover policing;
- Selection, training, management and care of undercover police officers;

- Identify and assess the adequacy of the statutory, policy and judicial regulation of undercover policing.

Detailed information concerning the inquiry can be found via the following direct web-link:

https://www.ucpi.org.uk/faqs/

It was agreed by Chief Constables at National Police Chiefs Council (NPCC) that in order to ensure a comprehensive and consistent approach to the initial and future anticipated Rule 9 requests and the calling of evidence before the inquiry, it would be necessary to put in place a national co-ordination capability. As a result, Andy Ward was appointed to take on all relevant responsibilities for that work on behalf of all Chief Officers. This work involves coordination on behalf of the NPCC Central Office, the National Undercover Working Group and 43 police forces of England and Wales, with the exception of the Metropolitan Police Service (MPS) who have individual status. The NPCC has been granted core participant status in the inquiry and as such has appointed its own leading counsel to represent NPCC.

It is clear that this public inquiry will be a wide ranging and in depth examination of undercover policing that will affect **all** forces irrespective of whether a dedicated undercover unit existed or otherwise. It is for this reason, and the intended scope of scrutiny, that all forces are encouraged to work to a common standard, and to work together in the management of information which may be subject to this public inquiry.

Freedom of Information Act 2000 (FOI)

The Freedom of Information Act 2000 does not apply to the Undercover Policing Inquiry (UPCI), however in keeping with the spirit of the freedom of information act, the UCPI will, as far as possible, consider requests for information in accordance with the principles of the Act, and will publish the transcripts of the public evidence on their website as soon as possible after a hearing. The inquiry recognises the sensitivity of some of the evidence being provided and may redact or withhold certain information which the chairman deems appropriate to withhold. It is worthy of note that the material accumulated during the course of the inquiry will become subject of FOI once it has concluded.

The Freedom of Information (FOI) legislation does provide the general public with an automatic right to request information from a public authority (PA). For the purposes of this Inquiry, the relevant PAs for the Policing sector will be the police forces in England and Wales, the Metropolitan Police Service (MPS) and the NPCC the NUWG sits under the NPCC). It is important to note that any information held by a public authority for a business purpose regardless of its origins or author, will be subject to the legislation. It is mandated with the FOI Act that the information holder, receiving the request, will be solely responsible for decisions regarding disclosure. However, under Part IV of the Secretary of States Code of Practice, governed by section 45 of the legislation, there is a clearly defined requirement to consult with third parties who may be affected by any such disclosures.

Whilst it is recognised that both PSNI and PSOS are not subject to the inquiry, it is important that they are included within the FOI referral process as they are likely to hold information pertaining to other forces.

All FOI requests capturing information relating to undercover policing which include covert operations and surveillance activities are, until further notice, considered to be a mandatory referral to the NPCC Freedom of Information and Data Protection Unit (NPFDU) as per College of Policing Authorised Professional Practice (APP), a process all chief officers are signed up to. Upon receipt of a referral, the NPFDU will ensure that the NPCC UCPI

coordinating team and stakeholders are consulted for a view on disclosure or retention of the requested information. In addition, whilst the application of NCND will be strictly maintained wherever possible, it cannot be considered as a blanket approach in handling such requests and must be dealt with on a case-by-case basis in line with public interest arguments. These collective views from the main stakeholders will be provided to the PA in receipt of the request in order that it can make a properly informed final decision which is based on a national corporate view and supplemented by their own local factors. It is important that each request is dealt with on a case by case basis.

In addition to the above, the NPCC FOI publication strategy has been formulated in order to allow any public authorities to take advantage, when appropriate, of the exemption within FOI legislation found at Section 22.

Section 22 exempts information from disclosure which is intended for future publication. Section 22 may be engaged when there is an intention to publish the information requested at the time of receipt. Without this intention, Section 22 may not be used and authorities may not take the decision to publish the information **after** the request for information is received. The key to it is that the decision to publish must have been made prior to any request for the information being received prior to 15 March 2016.

The NPCC decision to produce this intention to publish data means that the Section 22 exemption is engaged for any PA wishing to apply that exemption. That decision does not have to have been made by the PA receiving the request, but can be made by any party who also holds the same information. **This publication strategy is therefore transferable between all relevant parties covered by the public inquiry.**

The identified benefits of engaging this exemption are that dealing with requests for certain data whilst the Inquiry is ongoing can be complex and resource intensive. Also, random piecemeal disclosures may in fact damage the inquiry process and affect the strategic aims of the inquiry and Operation Herne. This can manifest itself in many ways but can include disclosures which enable offenders to evade undercover tactics in the future and the raising of unfounded concerns by victims, witnesses and even offenders and their families. There will also be an appetite from the media to gain exclusive knowledge and data, via FOI.

The application of this exemption, under Section 22 of the FOI Act also allows a sterile period, prior to publication by the NPCC / forces in accordance with the intended publication listed at appendix A and appendix B of this strategy. Where all the stakeholders are able to consult, ensuring the final publication document meets the full needs of the public and the authorities involved. This coordinated approach to publication mitigates any harm that may be caused by random incomplete information entering the public domain.

What is critical to the success of this strategy is that any rationale for not complying with the section 22 approach is recorded so that a precedent is not set which undermines other PAs ability to engage the exemption. This is expected to take shape of some overriding, compelling, public interest factor, specific to an individual request, as the exemption itself is subject to a public interest test and such matters must be dealt with on a case-by-case basis.

The NPCC intend to publish interim and final reports in the future to include information on costs, resources, findings and recommendations relating to matters falling within the remit of the inquiry. Individual forces may also decide to publish material. If so, a decision must be established prior to the receipt of an FOI request. Appendix B is a non-exhaustive of the type of information you may wish to consider for future publication. The first table, Appendix A, is information the NPCC will undertake to publish during the inquiry.

It is unlikely that any information will be released under FOIA that would be likely to prejudice individual undercover officers (UCOs), ongoing police investigations or cases, or any information that would reveal policing tactics or methodology. As a result, a number of exemptions are likely to be engaged where such disclosures would impact on Section 23 Information supplied by security bodies, Section 24 National Security, Section 30 Investigations, Section 31 Law Enforcement, Section 38 Health & Safety and Section 40 Personal Information. Careful consideration must also be given to the 'mosaic' effect whereby they overlap or linking of strands of information can provide a fuller picture and thereby present an increase in risk.

Information may be disclosed through carefully managed media releases as and when necessary with the approval of the NPCC Lead and in consultation with the NPCC communications team.

You may also wish to consider S21 Information available by other means, for any information already published by a Public Authority or the Undercover Policing Inquiry (UCPI) at the time a request is received.

Data Protection Act (DPA)

In addition to FOI requests, a relevant PA may also receive a request under subject access for personal information under the DPA. The main difference between this and FOI is that a release of personal information is not a release to the world in general. Although it is impossible to prevent what a data subject may do with their information, the information itself is also subject to a range of exclusions to disclosure, primarily law enforcement. As with FOI, the ultimate decision on disclosure will lay with the individual data controller, but in contrast to FOI, the personal information may not be held by all PAs involved in the operation.

Whilst there is no formal referral process for DPA requests, PAs are encouraged to refer such requests to both the NPCC lead and the NPCC DP Officer who will be in a position to provide corporate advice and direction on disclosure in conjunction with other relevant stakeholders. This is particularly relevant to any DPA request that may have any link to undercover policing during the lifetime of the UCPI, especially when considering the potential impact on individual UCOs, ongoing investigations or cases and in consideration of the 'mosaic' effect (see above).

As the information under DPA is of a personal nature it is highly likely that certain subjects may seek to publicise their involvement in the inquiry, especially if there is a sense of injustice. It is therefore important that local media teams are briefed on any DPA disclosure, by their own PA, who will then be responsible for notifying NPCC Communications.

Appendix A - Information held by the NPCC

Type Of Information	Relevant Material	Publication Strategy
Financial Information.	Total cost to NPCC for the Inquiry/ investigation. Legal costs. Staff travel and Expense claims.	Known costs and claims to be published annually by financial year commencing 01 May 2017. (Andy Ward)
Staffing Levels.	Number of police and staff engaged on the coordination team. Details of contracted staff or consultants.	To be published by financial year commencing 01 May 2017. (Andy Ward)
Communications	Key communications between NPCC coordination team and all stakeholders. Key communications between Op Herne and stakeholders Position Statement NPCC submission to UCPI (Rule 9).	Releases and communications updates issued. Identify and publish Senior staff names. Subject to Liaison with MPS. (Nicola Growcott) Published by UCPI (redacted)
Correspondence	Correspondence including letters and emails	As and when applied for under FOI and after due consideration regarding the content and any applicable exemptions. (Sherry Traquair)

Appendix B - Information held by England & Wales forces (Force Template)

Type Of Information.	Relevant Material.	Publication Strategy.
Financial Information	Total cost to force incurred by Inquiry. Legal costs. Staff travel and Expense claims.	Known costs to be published by financial year.
Staffing levels	Number of police and staff engaged on the Inquiry / Investigation team. Details of contracted staff or consultants.	Consideration given to release total number off staff engaged by financial year.
Investigations	Number of police and staff engaged on Force Inquiry / Investigation team. Force submissions to UCPI (Rule 9).	Identify and publish Senior staff names. Subject to Liaison with NPCC coordination team. Published by UCPI (redacted).
Media Correspondence	Communication and media strategy.	Publish live communication releases.
Reports	Any other interim report concerning specific strands within the remit of the inquiry	Publish at regular intervals or at conclusion of Inquiry.
Policies	Relevant Force policies suitable for publication.	Publish from outset.

Version	Date	Authorised By (Name and Position)	Signature
1.2	07/03/2016	NPCC Lead Andy Ward	
1.3	17/03/2016	NPCC Lead Andy Ward	
1.4	01/09/2016	NPCC Lead Andy Ward	
1.5	01/09/2017	NPCC Lead Andy Ward	

Who we are



The site is run by **Jon Robins** (jon@thejusticegap.com; @JusticeGap). Jon is a journalist and has written about the law and justice for the national papers and specialist press for 15 years. Jon launched the www.thejusticegap.com on October 6th 2011.

Jon has written a number of books including *The first miscarriage of justice: the amazing & unreported case of Tony Stock* (Waterside 2014); *The Justice Gap: Whatever happened to legal aid?* (Legal Action Group, 2009 – with Steve Hynes) and *People Power: how to run a campaign and make a difference in your community* (*Daily Telegraph*/ LawPack, 2008).

Jon is a visiting lecturer at Winchester University where he teaches second and third year journalism students. He is a visiting senior fellow in access to justice at the University of Lincoln and a patron of Hackney Community Law Centre.

Jon won the Bar Council's legal reporter of the year award in 2015. He previously won the award in 2005.

For more info: www.jonrobins.info

Jon is editor.

Brian Thornton



(brian@thejusticegap.com) is a journalist and academic. He is one of the founders of the Crime and Justice Research Centre at the University of Winchester which specialises in issues related to miscarriages of justice. Brian is a former BBC producer who worked on Newsnight. Brian is commissioning editor.

Miranda Grell



(miranda@thejusticegap.com) is development officer at Hackney Community Law Centre. Miranda was called to the Bar in 2014 and was awarded the Law Centres Network's 2014 Reita Clarke Memorial Award for Outstanding Achievement in recognition of 'her award winning initiatives, dynamism and creativity, and her commitment to justice for the people of Hackney'. Miranda commissions, writes and helps with business development. She tweets at @MirandaGrell.



Caterina Franchi is a trainee solicitor at a niche immigration and human rights law firm in North London, currently on secondment at Lewis Nedas Law. She volunteers for the Liberty Advice Line. Caterina is the editor on #Unlocked15, a partnership with Right to Remain and Detention Action. The project is run by Detention Forum.

Will Bordell is commissioning editor. Will is a journalist and writes for the Justice Gap.

Eleanor Sheerin is a Justice Gap reporter. Eleanor is a legal researcher and writer and will be starting the BPTC in September.

Web site development: Thanks very much to Brian for building the new site. We are also grateful to Jason French for his help on the site.

JusticeGap reporters/ commissioning editors: If you are interested in writing/ commissioning/ helping, email Jon.

> *'The 'Justice Gap' refers to the increasing section of the public too poor to afford a lawyer and not poor enough to qualify for legal aid. At the heart of any notion of a decent society is not only that we have rights and protections under the law but that we can enforce those rights and rely upon those protections if needed.'*
> **Michael Mansfield QC**

> 'For those concerned with the law and justice – as well as the difference between the two – www.thejusticegap.com is increasingly essential.'
> **David Jessel (Rough Justice, Trial & Error)**

What we are about

- The Justice Gap is an online magazine about the law and justice aimed at the public. We launched on October 6th 2011.
- We are about the law as it relates to you.
- We are about journalism and shining a light on those parts of the justice system that don't often see the light of day in the mainstream media.
- We are interested in the broad sweep of the law: human rights, the criminal justice system, family, employment through to consumer issues. In other words, all aspects of the law that relate to you in your day-to-day life.

What we are not about

- We are not lawyers. The site is run by journalists.
- This is not a lawyers' discussion group. We run articles by lawyers and professionals involved with the law; and we run articles by people who are neither but who have views on the effectiveness or otherwise of our legal system.
- We don't engage in correspondence about individual cases. Any contributions will be run at the editor's discretion. All comments are moderated.
- We don't claim to have either the right skills or resources to assist people with their individual legal actions. Sorry.
- Any information about the law on our site is not a substitute for legal advice (as is explained in our terms and conditions) but it is to illuminate legal issues.

Proof Magazine

Find out more about our magazine HERE

Guardian Legal Network

The JusticeGap is part of the Guardian Legal Network which 'brings together the best blogs and sites that cover legal affairs and developments from around the world. The network connects sites that provide high-quality news, comment, analysis, blogs and multimedia'.



Halsbury legal award

The JusticeGap won the legal journalism category at the inaugural Halsbury Legal Awards – read more HERE. The awards were set up as 'a celebration of excellence in the law and great contribution to the legal sector'.



Unlocking detention

Unlocking Detention is a partnership with Right to Remain, Detention Action and the Justice Gap. The project is run by Detention Forum, a network of organisations working together to challenge the UK's use of detention.



21 Comments

Trackback: Pro bono is great education for law students, but they shouldn't fill gap left ... | Your high education waits for you!

PAUL CRABTREE

September 27, 2016 12:06 pm

Are you able to look in to the case of a friend of mine, Robert Henry Bowman, a prisoner in Lindholme prison, Doncaster.He was sent to prison on one of the old " indeterminate" sentences(now abolished I believe) for an indicated 2 years and has now been

in prison forb eleven years. This is the sort of time served by people sentenced to 22 years. He was sentenced for threatening to kill his ex wife and/or her new boyfriend, which he does not deny but he was trying to protect his 7 year old daughter. The ex wife was in a new relationship with a Maltese man and was in the habit of going to work and leaving the daughter and boyfriend in bed together. Mr Bowman threatened to kill him if he touched his daughter. He is desparate and does not know who to turn to for help. His ex wife is a psychiatrist working with South Yorkshire police in Rotherham and he feels where it is his word against hers he will not be listened to.

REPLY >



JON ROBINS

September 27, 2016 3:40 pm

I am afraid we don't have the resources to look at individual cases. You might want to check out the firms on Criminal Appeal Lawyers Association, as well as Inside Justice and the Centre for Criminal Appeals. Hope that is of some help. Jon

REPLY >

J STIBBS

November 14, 2016 10:38 am

Cannot help but feel that this Web site is a just another smoke screen in a completely corrupt country. As with all the journalistic rubbish we read and watch, you omit so much detail that it seems you must in fact be protecting what appears to us a farcical and overtly criminal system of so called authority and justice. We have no rights to justice unless we also have millions of pounds to spare!.

REPLY >

SEHLAH SHARIF

November 24, 2016 12:37 pm

I am a student in the sixth from at Corelli College Co-operative Academy. i am studying the Extended Project Qualification and as part of this i wonder if you could help me or be happy to be interviewed. my study is on "Rape and police brutality sentences: how just is the American justice system?"
i realise that you are very busy and any help or advice would be most appreciated.
thank you, in anticipation,
Sehlah Sharif

REPLY >

KAREN CLAUS

November 25, 2016 4:39 pm

I am horrified reading the above. My case is similar. My ex friend is a former CP. I went through a prosecution brought on the back of her CPS colleagues driving me to hang myself last year. I recently took it to Appeal after taking it out of area and successfully had 4 convictions overturned. Following CPS' feedback and complaints policy we wrote a letter of complaint addressing the contraventions of their own code. They have dismissed my complaint. It really is a corrupt system where CPS is a Law unto themselves! However exhaustive this is I am still pursuing all avenues. I would be interested to know how many ppl out there who do not feel we are equal in the eyes of the Law to join me in a campaign to highlight this corruption. We need to get publicity and get it to the Houses of Parliament. Please contact me via my FB group page 'fair Justice with mental health. This does not exclude anyone who has suffered an injustice but it certainly should not drive anyone to take their life.

REPLY >

JANICE

March 7, 2017 11:20 am

There is no justice. My experience has broken my heart. Corruption at the RCJ is rife, but no one cares. Please don't worry about libel. I have put it in writing to them ' you are corrupt', but they cannot prove they are not so they do nothing but hide. They ignore truth, have no use for it, it doesn't serve their purpose. If you live below a certain monetary standard you have no rights, and never will have. Sad and betrayed. Janice

REPLY >

KIMBERLY COUCH

February 19, 2017 7:11 pm

I am a victim of police brutality, retaliatory & false arrest, and travesty of justice. It has been ten months and I have filed complaints pleading for justice to be brought to the corrupted constables but to no avail. In dire need of getting this matter resolved, thereby, providing me the closure I am entitled. Any advisory is welcomed!

REPLY >

ANTHONY BOND

February 27, 2017 10:48 pm

I stumbled to read an article from Kim Harrison February 15, 2015 NEWS titled The Modern Slavery Bill is a step forward – but it's not enough, my question is, are all criticisms mentioned were amended before the Bill becomes law and what are the main criticisms after (March 26 2015). in short, What are the loopholes of the Modern Slavery Act 2015. Thank you

REPLY ›

CLAIRE EARNSHAW

March 8, 2017 9:42 pm

Hi,
I'm currently a student studying criminology and criminal justice. In a few months I will be starting my dissertation. I would like to research an area that hasn't really been done yet. I'm enquiring whether you have any ideas, or if theres an area/topic you would like me to research for you that I could do my dissertation on.
Thank you
Kind regards

REPLY ›



JON ROBINS

March 10, 2017 7:04 am

HI Claire,

Do you want to email me jon@thejusticegap.com?
Thanks, Jon

REPLY ›

CAROLINE ELCOMBE

March 19, 2017 4:45 pm

I am trying to contact Simon Warr with regard to a friend of mine who is having a similar experience to Simons. Could you give me his contact details please?

REPLY ›

PETER LYSTER

April 3, 2017 10:02 am

Hello, if you need an alternative way to receive payments or donations, please get in touch, or visit our website here https://www.nochex.com/merchant-services/

REPLY ›

TRICIA

May 9, 2017 9:14 pm

Hi.
My brother was convicted of murder under joint enterprise in 2014. We have been to the royal courts of justice to fight the decision as he is convicted with no evidence, it was acknowledged that there is no evidence to suggest he was present, Simply association with the Principle! In the Judgement passed

back, the judges have based their decision to refuse the leave for appeal based on entirely fabricated grounds that were not presented at trial. We understand you don't look at single cases, however I'd be very grateful if you could direct me to someone that can help. We have already sold every asset we had to pay for the appeal which came to nearly £35k.
Please help us in any way possible
Thank you
Tricia

REPLY >

FOLARIN OYEBOLA
May 28, 2017 10:19 am

There is a key statement in your text: "the judges have based their decision to refuse the leave for appeal based on entirely fabricated grounds that were not presented at trial". Have you got the evidence to support this assertion? Who provided this "entirely fabricated grounds" to the judges? There are avenues to "try" to get justice but it will not be easy. I am guessing from the fact that £35k was spent the provider of the "fabricated grounds" is a professional. From my experience it makes the task more difficult but it can be done. Remember Hillsborough took 18 yrs, Mandela 27yrs Birmingham 6 (15 yrs). Give your brother hope by fighting for him and if you can answer the questions above look for me on twitter

REPLY >

FOLARIN OYEBOLA
May 28, 2017 10:05 am

The Court of Appeal Criminal Division (CACD) judged my conviction to be safe in the [2012] EWCA Crim 460 judgment. The CCRC state that there is an inaccurate trial fact in paragraph 21 line 7 of the said judgment and the said CCRC also state that there is an inaccurate verbatim provided by the CPS in paragraph 22 line 3 of the said judgment. Mr Justice Ouseley of the Administrative court state the identified errors are "minor". Master Egan QC (Registrar of the CACD) REFUSED to amend the errors of the said judgment. So it means not all judgment of the CACD is factually accurate if judges of the RCJ are not prepared to correct errors in there judgments. The CCRC refused to refer

the said conviction back to the CACD reasons being: the jury heard the truthful evidence

REPLY >

BARBARA WILLIAMS

June 20, 2017 3:12 pm

Given that you cannot take on individual cases, have you any interest in unexplained avoidable deaths whilst in the care of NHS?

REPLY >

PHILLIP GROVES

July 29, 2017 4:08 pm

Hello. I am seeking to overturn a caution from several years ago. I have recently acquired my papers pertaining to the night I spent in a cell prior to my caution and have several questions in my custody report that may make my caution invalid. I have tried the normal route with police complaints and have hit a brick wall with bodies determined to withhold certain information. I have been sent on several wild goose chasers in the earlier days to get the police to look into things, but they are very protective of their personal justice system. Can you point me in the right direction that will not drain what little I have left in my bank account please.

REPLY >

NAME* STEPHANIE TROTTER OBE

August 25, 2017 10:48 pm

I'd be interested in writing an article about the justice gap with regard to the way both industry and government deals with carbon monoxide poisoning or rather doesn't and the lack of victim support and changes to reduce deaths and injuries.

REPLY >

GEZZ

September 1, 2017 12:13 pm

Hi There,
I was hoping that you might be able to help. I'm working on a TV series and I'm trying to find out who the copyright holder is for the black and white photo of Raphael Rowe that you have in the article on – http://thejusticegap.com/2014/01/raphael-rowe-everday-something-reminds-prison/?
Many thanks

REPLY >

HEATHER HARVEY

October 6, 2017 4:21 pm

I would be interested to know if you have any information over the last few

years of any increase or decrease in private prosecutions? Is there any breakdown of who is bringing them? Men or women and for what reasons? And what proportion are taken over and either continued or discontinued by CPS and again any trends in which sorts of cases they take over? Finally, how common is it and under what circumstances would a person who has brought a private prosecution which the CPS have taken over and run with then have his/her costs reimbursed to whatever extent?

REPLY >

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British spies are keeping tabs on potential extremists in Ireland

It is understood that they are operating in at least two Irish cities.

Aug 19th 2017, 12:05 AM 53,103 Views 146 Comments Share 389 Tweet Email 5

BRITISH SPIES ARE keeping tabs on a number of persons of interest within Ireland.

The Secret Intelligence Service (MI6) agents have been operating around the country since shortly after the London Bridge attack in June, sources have confirmed to *TheJournal.ie*.


A file photo of MI6 HQ in London.

Image: Nick Ansell/PA Wire/PA Images

It is understood that they are operating in at least two cities. Most of them are in Dublin and are working out of a number of offices in the city centre.

Sources say they are “keeping an eye” on a handful of potential extremists. They say that Ireland’s position geographically makes it an area that needs to be monitored by foreign intelligence.

Their arrival in Ireland followed the revelation that one of the London Bridge attackers – Rachid Redouane – had lived in the Rathmines area of south Dublin last year with his English partner who he married while here. He was not being monitored by gardaí.

The Department of Justice did not comment on whether or not it is aware of foreign intelligence agencies operating in Ireland. However it confirmed that a small number of potential extremists are being monitored.

“While there is a small number of persons here whose activities in support of violent extremism give cause for concern they are monitored closely by the authorities and any appropriate action is taken,” the department said in a statement.

The department added that gardaí cooperate with international security agencies on intelligence-related matters “as circumstances dictate” in combatting crime and security threats. A spokesperson for An Garda Síochána echoed that sentiment, but did not confirm that gardaí were aware of MI6 agents in Ireland.

“An Garda Síochána liaise closely with our security and law enforcement partners throughout Europe to share and assess any relevant intelligence and its potential impact on this jurisdiction,” the spokesperson said.

The Special Detective Unit (SDU) – an elite arm of the gardaí – has been liaising with its British counterparts and offering its intelligence capabilities to assist the spies with their work here.

There has been fears within garda management that Ireland would be totally unprepared for an attack without the help of foreign agencies. While there are a number of trained officers who can use rifles and submachine firearms, well-placed sources have told *TheJournal.ie* that a lack of resources has meant the reliance on foreign agencies working in intelligence

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has increased.

Earlier this year, *TheJournal.ie* revealed that members of the SDU had been carrying out a number of surveillance operations on over 20 people they believe to be a potential threat to Ireland.

It has now emerged that elements within MI6 had helped gardaí identify those specific surveillance targets. Days after reporting the operation, a number of terror suspects were arrested.

The British Foreign and Commonwealth Office, which oversees MI6, said that it could not comment on operational matters.

Read: Council investigating whether bollards are needed to prevent Grafton Street terror attack

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About the author:

Paul Hosford and Garreth McNamee

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COMMENTS (146)

This is YOUR comments community. Stay civil, stay constructive, stay on topic. Please familiarise yourself with our comments policy here before taking part.

W R I T E A C O M M

Catherine Sims
4y

Aug 19th 2017, 12:13 AM

International conoperation is the way to go and the UK has a wealth of experience dealing with terrorists.

1162

Con
3y

Aug 19th 2017, 12:16 AM

@Catherine Sims: yeah because they are Terrorists

400

Catherine Sims

4y

Aug 19th 2017, 12:18 AM

@Con: well that didn't take long. A new record ??? Anyone timing the responses ??

380

SEE 16 ▾ MORE REPLIES

Liam flag

Aug 19th 2017, 12:15 AM

Coming soon to a Journal near you, after an attack in dublin:

"This has nothing to do with Islam"
"This attack must not divide our nation"
"Fight against racism, nazis etc. more than ever"
"Muslims are the true victims"
"This event should not be used to generalise…"
"The religion has been abused"
"Islam is a religion of peace"
Politician X has condemned the attack
Politician X was said to be deeply shocked and concerned about the events
"Our thoughts and prayers are with X"
"We are going to give an answer to this attack"
It was an attack of previously unforeseen extent that had never been expected…
"It's the fault of the Western world for the exploitation of countries such as X"

967

Ivan Truckrcar

6m

Aug 19th 2017, 12:19 AM

@Liam flag: muppet

212

Micheal OLainn

1y

Aug 19th 2017, 12:19 AM

@Liam flag: false flag.

88

SEE 17 ▾ MORE REPLIES

Paul

2y

Aug 19th 2017, 12:17 AM

Happier with the UK keeping an eye, can never be sure and they are mor experienced than our lot.

546

Andy K

3y

Aug 19th 2017, 6:31 AM

@Paul: Then why not move there? And are the Americans not even more experienced? Why not ask them too? We could have a section in Guantanamo Bay just for Irish people!

50

David

1y

Aug 19th 2017, 7:37 AM

@Paul: they’re more experiences than our lot because they had decades dealing with our lot.

116

SEE 10 ▾ MORE REPLIES



Ian Walsh

6y

Aug 19th 2017, 1:40 AM

I’m delighted they’re spying on them here! Actually feel a little bit safer knowing this.

309



James McCarthy

2y

Aug 19th 2017, 12:14 AM

This is another cost of multi culturism that isn’t factored in. So instead of more money for xyz we now need to divert resources (people, thinking, money etc) on dealing with this.

267

mary jones

4y

Aug 19th 2017, 10:34 AM

I remember a time, not so very long ago, when money that we didn’t have then either, was diverted to dealing with the same s**t from our own. Foreigners & multi-culturalism are not to blame. Small mindedness and mental instability however?

6

Adrian

3y

Aug 19th 2017, 1:23 AM

Its good theres a real international professional force on this, but doesn't this just reek of more irish gov incompetence. We've needed the EU and IMF to look after our state finances, and MI6 on our serious international crime, maybe our amateurs like coveney, harris and fitzgerald need to step aside and let the pros in to deal with the shambolic state of our housing, health and immigration too.

247

Sean Hyland

5y

Aug 19th 2017, 6:19 AM

@Adrian: agree on everything except EU on state finances. Considering they heaped us with a €64 billlion German bank debt.

88

Andy K

3y

Aug 19th 2017, 6:36 AM

@Sean Hyland: What? That was our debt. Our developers, bankers, politicians and investors managed to rack up that debt. Without the loan from the EU central bank (not a german bank) our financial system would have crashed and we would be in a terrible situation now.

Maybe learn from real sources not rage youtube videos.

58

S E E 1 ▾ M O R E R E P L Y

Emmet Dillane

Aug 19th 2017, 1:26 AM

That's reassuring. Charlie Flanagan is a spoofer of the highest order whose priority has always been that of placating the public mood over actually dealing with reality on the ground. We can all sleep easier in our beds knowing that the Brits are watching over us.

135

purple rain

2y

Aug 19th 2017, 2:15 AM

It's only a matter of time before we wake up to this terribe news. Dreading the day. Like the rest of Europe it's going to happen so let's hope the response is swift. Bullet

to the head please. Preferably from a female Garda . They would hate that.

184



Neal Ireland Hello.

3y

Aug 19th 2017, 6:57 AM

@purple rain: Jesus. You're a real tonic.

11



Brown Boots

2y

Aug 19th 2017, 12:13 AM

Groovy… I was thinking I spotted Austin Powers and Bond on down at Nearys earlier. I suppose it's good someone is keeping an eye on these lads when we can't do it ourselves.

102



DeFonz

6m

Aug 19th 2017, 7:59 AM

@Brown Boots:
Nearys is a stone's throw away from 59 Grafton Street where the Cairo Cafe stood in 1920, might be a rerun soon for the nearysgang..

9



Dermot Keogh

1y

Aug 19th 2017, 9:04 AM

The independent reports at least 60/70 are now living in this multicultural society if we have any idea why not lift them and remove them from our once beautiful country

63



billy Dorney

6m

Aug 19th 2017, 9:56 AM

@Dermot Keogh: cos we are weak

32



raymond grehan

4y

Aug 19th 2017, 12:46 AM

Extremist = a person who does not believe in British hegemony. Extremist does not include British allies around the world i.e Saudi Arabia – head chopper central and

women hater central and exporter of extremist ideology and methodology; Israel – implanted racist super state who revel in the killing of young children; Us of A – big Brother .. literally, destroyer of nations and harbinger of corporate hell .
Strange article. Thejournal is infiltrated.

81

Micheal OLainn
1y

Aug 19th 2017, 12:36 AM
My enemy's enemy is my friend, it would appear.

48

Ron North
3y

Aug 19th 2017, 12:46 AM
@Micheal OLainn: I would have thought we and our British neighbors were friends regardless at this stage. No?

193

Catherine Sims
4y

Aug 19th 2017, 1:01 AM
@Ron North: yes we are friends with the UK and they aren't just the UKs enemy they are ours too. Our flag was there on the little list of countries who they regard as targets.

138

SEE 2 MORE REPLIES

john culhane
5y

Aug 19th 2017, 12:32 AM
Good since we haven't done a stroke. Grafton St. Hmmm……..

46

owentighe
4y

Aug 19th 2017, 12:29 AM
Good to hear.

39



Con Murphy

2y

Aug 19th 2017, 6:40 AM

A strict application of Irish neutrality is needed. We should be doing our own security, not collaborating with the U S and UK who have provoked this jihadi backlash because of their adventures in Iraq Syria Afganistan,with many “Irish” regiments of the UK army involved.

39



Brian O Reilly

2y

Aug 19th 2017, 5:02 AM

Friendly government security services share information on the movements of people of interest,it’s a good thing.Infiltration of these
terrorist organisations is extremely difficult ,but when information on a suspect warrants expensive surveillance,then our Intelligence services should take what ever help that they can,and accommodate them as much as possible.
It’s nothing new by the way.

34



Murphy's Mind

1y

Aug 19th 2017, 10:39 AM

Don’t understand why these people are being monitored and not deported.

32



Revolting Peasant

1y

Aug 19th 2017, 12:19 AM

Beware the English accent……they’re watching you…….mate.

36

Ich bin brendan

1y

Aug 19th 2017, 4:13 AM

The fear is real.. the brits are keeping an eye on us phew.. if there’s a hint of someone jumping in a van and running down Grafton st, then grab why chance it.. grab them.. the fact is they haven’t a f*(king clue who is capable of a twisted act but we’ll give up up every bit of freedom in order to feel “safe” n if they miss the mark, every other dip sh!t will blame the “left” because they let them in. You’re walking blind into a utopia you called for

32



Aidan Martin

3y

Aug 19th 2017, 9:10 AM

Can we not just get the irish secret service to investigate .oh wait

23



Cian O Donoghue

6y

Aug 19th 2017, 9:41 AM

@Aidan Martin: Oh wait? Wait for what? You do know we have a secret service don't you?

8



Ron North

3y

Aug 19th 2017, 1:33 PM

@Cian O Donoghue: This is the first I've heard of them, they're very good.

9

S E E 1 ▾ M O R E R E P L Y



Teresa Scanlon

4y

Aug 19th 2017, 8:27 AM

Thank God someone is keeping an eye on it

22



mecanicalrat

4y

Aug 19th 2017, 3:31 AM

I get a little freaked out when I see drills for such an event happening weather that be manchester or london it always seems to preempt an attack. Recently their was a drill carried out in the docklads if it does happen here my money is on it being there. I think that there is more to this than meets the eye…an big gathering of people on the docks is a no no for me since that drill was carried out beacuse my spidy sences are tingling…really hope im wrong

22



Micheal OLainn

1y

Aug 19th 2017, 12:12 AM

'Sources' . It must be true, then.

20

Catherine Sims

4y

Aug 19th 2017, 12:32 AM

@Micheal OLainn: I hope it is true !!!

84

Micheal OLainn

1y

Aug 19th 2017, 12:37 AM

@Catherine Sims: wishing and hoping it is true does not necessarily make it true. I keep an open mind.

12

SEE 3 MORE REPLIES

Johnny

1y

Aug 19th 2017, 12:13 AM

All this means is that when these people attack they'll say that "the individuals were known to police". A harder approach needs to be taken rather than just "spying" on them, if they're suspected terrorists then f***ing do something about it before they do something to us!

231

Catherine Sims

4y

Aug 19th 2017, 12:15 AM

@Johnny: There's actually a much better chance of something being done if other intelligence agencies are breathing down our neck.

108

Avina Laaf

4y

Aug 19th 2017, 1:31 AM

@Catherine Sims:
There's a much better chance of something being done if virtue-signalling liberal types don't start publicly whining every time something is done.

89

SEE 3 MORE REPLIES

John Brennan

1y

Aug 19th 2017, 7:02 AM

Well the Brits have to find some work for all the Shinners on their payroll seeing things have quietened down up North

18



oh i dunno

6m

Aug 19th 2017, 10:04 AM

They’re badly needed here, our so called police force are up to their eyes catching people with no road or telly tax

23



Kevin

2y

Aug 19th 2017, 10:29 AM

@oh i dunno:

Good point. There have been armed Garda nominally checking car tax etc 3 times in the past 8 days here in Nth Dublin. One would hope their motivation is more than just traffic offence monitoring.

10



Virtual Architect

4y

Aug 19th 2017, 10:36 AM

“Persons of interest” need to be arrested or sent packing. When are we going to get sick of this inhuman Muslim ideology?

28



patkplc

2y

Aug 19th 2017, 9:05 AM

So there is a non E.U state with spies in our country

What does this normally lead to

13



Kevin

2y

Aug 19th 2017, 9:34 AM

Lots of whining and moaning and bitching and what if’s and brits out and we should be neutral …blah, blah…etc. If we need anti terrorism operational & intelligence support (of course we do) then the British are the best available show in town. We ain’t gonna fund and grow this expertise overnight.

21



Thomas Maher

5y

Aug 19th 2017, 9:39 AM

At least someone is.

11



Paul de Vinci

4y

Aug 19th 2017, 8:45 AM

This proves beyond all doubt that we are still under British rule..

10



Honeybadger197

6m

Aug 19th 2017, 9:02 AM

@Paul de Vinci: How?

17



onebox

5y

Aug 19th 2017, 8:24 AM

Why publish this. It’s well known we have extremists here. Hopefully the horrific scenes we witness on our tvs never hits our streets. Hopefully they see sense.

10



billy Dorney

6m

Aug 19th 2017, 10:00 AM

@onebox: serious? These maniacs will never see sense

15



Eamonn O'Riain

6y

Aug 19th 2017, 7:39 AM

God, this article is the poorest yet.

9

free Palestine

6m

Aug 19th 2017, 9:49 AM

We should be making M16 aren’t in the country. Look at their record around the world, they are the true terrorists. And also training arming and using Isis in the middle East

for their terror campaign

6



Avina Laaf

4y

Aug 19th 2017, 11:45 PM

@free Palestine:
Hamas are ISIS-lite

2



billy Dorney

6m

Aug 19th 2017, 8:45 AM

Nothing new there chaps

1



Niall Higgins

4y

Aug 19th 2017, 1:50 AM

It’s not called MI6, it’s SIS, amateurish journalism at best, stupidity at worst….

15



Suzie Sunshine

2y

Aug 19th 2017, 2:02 AM

@Niall Higgins: oh give over .that’s what it’s commonly known as. .

41



whitecross

4y

Aug 23rd 2017, 12:12 AM

Best thing to do is get your “retaliation ” in first lift all these followers of Bedlam and drop them back to whatever 3th world sh&t hole they came from. landing the plane would be just one optional .

1



billy Dorney

6m

Aug 19th 2017, 8:45 AM

Nothingness there

1



Patricia Mannion

1y

Aug 19th 2017, 10:23 AM

It is obvious that bollards should be erected in both Grafton street and Henry st. There should be no thinking about it

1



Alois Irlmaier

1y

Aug 19th 2017, 10:11 PM

Anyone who says anything against HSBC, Barclays and Goldman Sach are extremists as well lol. I hope they are not doing what they did as in spying on companies for companies that are friends with their government???

1

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Peter Gunning

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Fr Richard Gibbons

Christmas is Christianity at its best, it's the carols and the stories behind them, it's the cribs, the community at prayer, writes Fr Richard Gibbons.



Column: 'I'm facing my second Christmas without my partner, Patric'

Jenny Gilleece

Grief doesn't define who I am but it's shaped the person I've become, writes Jenny Gilleece.

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2 'I switched social media off

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2 13 photos that truly sum up

Hansard for a Christmas Eve singalong in Dublin

3 'It can be a lonely time of year. That's why I go out working': How it feels to work on Christmas Day

during some of the stupid stuff that happened earlier in the year'

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Christmas in Ireland 10 years ago

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Two investigations later, there's no assurance garda scandals will not happen again

Garda Superintendent says new report of 400,000 more falsified breath tests 'could be described as a guesstimate'

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'I'd never expected to be captain of Ireland at 21. It's what you've always dreamed of'

Inside Met Éireann: How forecasters decode Ireland's weather

'I only started playing badminton when I came to Ireland... It was one of the ways I tried to fit in'

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Poll: Will you attend a religious service today?

Poll: What's the best part of Christmas dinner?

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#LEO VARADKAR

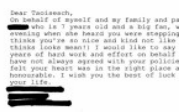


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Read the emails sent to Leo in his first month as Taoiseach

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'My seven-year-old daughter shed a tear': Enda Kenny received a lot of well wishes when he stepped down

Government ends year on a high with satisfaction rate boost

The 9 at 9: Christmas Eve

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Undercover, with Rob Evans and Paul Lewis

Public inquiry confirms the identities of more police spies

A public inquiry - led by Lord Justice Pitchford - has confirmed the identities of two more undercover officers who spied on political groups.

Rob Evans

Monday 21 November 2016 12.10 GMT

The judge-led public inquiry examining the undercover infiltration of political groups has confirmed the identities of two more police spies in recent weeks.

In brief announcements, the inquiry - headed by a senior judge, Lord Justice Pitchford - confirmed that the pair - who used the fake personas of "Carlo Neri" and "Marco Jacobs" - were undercover officers.

Neri infiltrated anti-racist and left-wing groups between 2001 and 2005 (for background on him, see this, this and this). Jacobs spied on anarchists and social justice campaigners in Cardiff and Brighton between 2004 and 2009 (for further details on him, see this and this).

It means that the number of undercover officers embedded in political groups whose identities have been officially confirmed has risen to five.

This however is a fraction of the total number of undercover officers who have been sent to spy on political groups since 1968. That total has yet to be disclosed, but is estimated to be more than 100 .

For years, the police have fiercely resisted disclosing the identities of their undercover officers, in the face of pressure from individuals who were spied on.

Woman who was engaged to police spy sues Met over 'psychological torture'
Read more

The five undercover spies were only officially confirmed after they were unmasked following investigations by activists and journalists.

For many involved in the public inquiry, the key question remains how open it will be - something that will be determined by Pitchford. It is too early to know what the

answer to that question will be.

Police have fought strenuously to try and ensure that large parts of the inquiry are held in private, and the names of their undercover officers kept under wraps (see this and this).

Those who were spied on have argued for openness and have strongly criticised police for continuing to conceal the work and identities of the undercover officers (see this).

More than 100 individuals who were subjected to the police surveillance have been calling for a list of the fake names of the undercover officers to be published.

It was a call reiterated after Pitchford confirmed the identities of Neri and Jacobs, for example :

> **Lisa Lân**
> (@JustLisa2010)
>
> Cover names of all the police officers involved in #spycops inquiry should be given for starters. How else can their evidence be examined?
>
> November 17, 2016

> **UndercoverResearch**
> (@UndercoverNet)
>
> Instead of one by one, why not release the full list of cover names used by #spycops now. Or do those spied upon have to expose them first? https://t.co/B4beG4FQkW
>
> November 17, 2016

> **Dave Smith**
> (@DaveBlacklist)
>
> #Blacklist Support Group calls on Met Police to drop #NCND & release cover names of all #spycops & identify all the campaigns infiltrated https://t.co/U7xVOodhsy
>
> November 18, 2016

For those seeking an open inquiry, the announcements on Neri and Jacobs may be welcome, but the crucial test for the Pitchford inquiry is still whether he will permit the identification of all the other undercover officers.

In this analysis, the Campaign Opposing Police Surveillance, the alliance of those who were spied on, wondered if Pitchford's announcements on Neri and Jacobs marked the end of the police's stonewalling about the identities of the undercover officers. Meanwhile this commentary on the independent media website, Byline, argued that the police seem to have suffered a significant blow.

Undercover: The True Story of Britain's Secret Police Paul Lewis and Rob Evans - review

Read more

A woman has revealed how Neri proposed to her during a two-year relationship without telling her that he was an undercover officer. The woman, known only as "Andrea", said: "I am of course relieved to have finally received official confirmation that the person I believed to be my partner of more than two years - Carlo Neri - was in reality an undercover police officer.

The fact that it has taken the police so long to acknowledge this has undoubtedly caused additional stress and uncertainty within an already difficult situation for myself and my family."

Jacobs had two relationships with women while he was undercover. Jules Carey, the lawyer representing the two women and Tom Fowler, a former boyfriend of one of the women, said:

> **Jules Carey**
> (@Jules_Carey)
>
> The no-fuss adding of #MarcoJacobs as a #SpyCop to Inquiry under-plays abused victims 5 year legal fight for truth https://t.co/gD0h2EnIrN
>
> November 10, 2016

Two of the five undercover officers were confirmed in 2014 during the legal action brought by the women who were deceived into forming relationships with the police spies. They were Bob Lambert (for background on his deployment, see here and here) and Jim Boyling (for background on him, see here and here). Police have also confirmed Mark Kennedy, who infiltrated environmental groups.

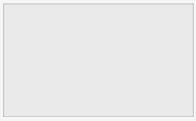
A sixth officer, Peter Francis, has blown the whistle on the operations of the undercover spies and in effect outed himself - the only one so far willing to do so.

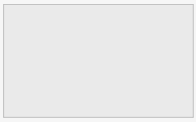
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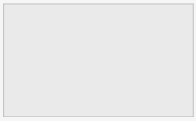
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Undercover, with Rob Evans and Paul Lewis

How UK police helped unmask one of their own undercover spies

Roger Pearce is the latest undercover officer to be confirmed by a public inquiry but police had given away a big clue about his identity

Rob Evans

Monday 3 April 2017
11.14 BST

The police have gone to great lengths to argue that the identities of their undercover officers must be concealed forever.

However it was the police themselves who are responsible for helping to unmask the latest undercover officer whose identity has been confirmed.

The public inquiry into undercover policing confirmed last Wednesday that Roger Pearce had been an undercover officer for the Special Demonstration Squad (SDS). He had used the fake identity of "Roger Thorley" during his deployment.

A vital clue about his undercover deployment was given by the police in an official report four years ago. The police conducted an internal investigation into the SDS which deployed undercover officers to infiltrate hundreds of political groups between 1968 and 2008.



Former commander and undercover spy Roger Pearce

One of the reports arising out of this internal investigation was published by police in 2013. It examined the theft of dead children's identities by the undercover officers following criticism of the technique.

A number of anonymous former SDS officers were quoted in the report about how they had used the identities of dead children during their undercover work. Each officer was assigned a codename in the report to protect their anonymity.

The description of one of these officers was however curious. The officer given the codename N85 was described as being an undercover officer in the SDS between 1978 and 1980. However he was also described in the report

(see para 7.2) as being the head of Special Branch between 2000 and 2004.

Once that crucial clue had been disclosed, there was enough in the public domain to show that Pearce had been head of Special Branch at that time and was therefore the undercover officer being referred to as N85.

For example, Pearce crops up in news reports here and here as being head of Special Branch in 2000 and 2001.

The first public identification of Pearce as N85 appears to have come in 2014 by Bristol-based blogger, BristleKRS (see here).

Pearce had himself developed a public profile around 2013, appearing in the media to defend the SDS on a number of occasions. He did not say he had been an undercover officer, although his tenure as the head of Special Branch at that time was given (see for instance this BBC article).

The Undercover Research Group, the network of activists that investigates the covert infiltration of political groups, has collated what is known about Pearce in one of its characteristically detailed profiles that was published last year. This blog by the group also examines how Pearce defended the SDS during his media appearances.

Given their strenuous efforts to keep secret their covert officers, it is unclear why police gave away a big clue to Pearce's undercover identity - it suggests either incompetence or laxness.

Roger Pearce talks about why he writes about Special Branch in his novels.

The groups that Pearce infiltrated are not publicly known yet. However the Guardian understands that he went undercover between 1979 and 1984 (the usual length of deployment for an SDS officer), not the years stated in the police report. The dates given for his tenure as head of Special Branch in the police report are also slightly awry (as he was actually in charge between 1999 and 2003).

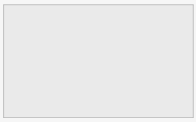
Since leaving the police, Pearce has become an author, drawing on his experiences in Special Branch, to write thrillers. His third book - Javelin - is due out in July. He has his own website. Here's a review of one of his books, Agent of the State.

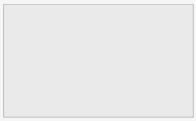
More than 100 undercover officers have been deployed to infiltrate political groups since 1968. Pearce was the sixth undercover officer whose identity has been confirmed by the public inquiry, although all six had previously been exposed by activists and journalists. The public inquiry is led by Lord Justice Pitchford.

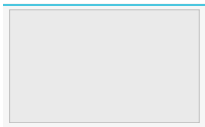
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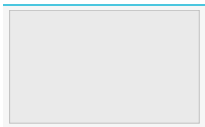
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Undercover, with Rob Evans and Paul Lewis

How UK police helped unmask one of their own undercover spies

Roger Pearce is the latest undercover officer to be confirmed by a public inquiry but police had given away a big clue about his identity

Rob Evans

Monday 3 April 2017
11.14 BST

The police have gone to great lengths to argue that the identities of their undercover officers must be concealed forever.

However it was the police themselves who are responsible for helping to unmask the latest undercover officer whose identity has been confirmed.

The public inquiry into undercover policing confirmed last Wednesday that Roger Pearce had been an undercover officer for the Special Demonstration Squad (SDS). He had used the fake identity of "Roger Thorley" during his deployment.

A vital clue about his undercover deployment was given by the police in an official report four years ago. The police conducted an internal investigation into the SDS which deployed undercover officers to infiltrate hundreds of political groups between 1968 and 2008.



Former commander and undercover spy Roger Pearce

One of the reports arising out of this internal investigation was published by police in 2013. It examined the theft of dead children's identities by the undercover officers following criticism of the technique.

A number of anonymous former SDS officers were quoted in the report about how they had used the identities of dead children during their undercover work. Each officer was assigned a codename in the report to protect their anonymity.

The description of one of these officers was however curious. The officer given the codename N85 was described as being an undercover officer in the SDS between 1978 and 1980. However he was also described in the report

(see para 7.2) as being the head of Special Branch between 2000 and 2004.

Once that crucial clue had been disclosed, there was enough in the public domain to show that Pearce had been head of Special Branch at that time and was therefore the undercover officer being referred to as N85.

For example, Pearce crops up in news reports here and here as being head of Special Branch in 2000 and 2001.

The first public identification of Pearce as N85 appears to have come in 2014 by Bristol-based blogger, BristleKRS (see here).

Pearce had himself developed a public profile around 2013, appearing in the media to defend the SDS on a number of occasions. He did not say he had been an undercover officer, although his tenure as the head of Special Branch at that time was given (see for instance this BBC article).

The Undercover Research Group, the network of activists that investigates the covert infiltration of political groups, has collated what is known about Pearce in one of its characteristically detailed profiles that was published last year. This blog by the group also examines how Pearce defended the SDS during his media appearances.

Given their strenuous efforts to keep secret their covert officers, it is unclear why police gave away a big clue to Pearce's undercover identity - it suggests either incompetence or laxness.

Roger Pearce talks about why he writes about Special Branch in his novels.

The groups that Pearce infiltrated are not publicly known yet. However the Guardian understands that he went undercover between 1979 and 1984 (the usual length of deployment for an SDS officer), not the years stated in the police report. The dates given for his tenure as head of Special Branch in the police report are also slightly awry (as he was actually in charge between 1999 and 2003).

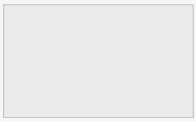
Since leaving the police, Pearce has become an author, drawing on his experiences in Special Branch, to write thrillers. His third book - Javelin - is due out in July. He has his own website. Here's a review of one of his books, Agent of the State.

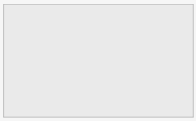
More than 100 undercover officers have been deployed to infiltrate political groups since 1968. Pearce was the sixth undercover officer whose identity has been confirmed by the public inquiry, although all six had previously been exposed by activists and journalists. The public inquiry is led by Lord Justice Pitchford.

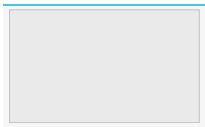
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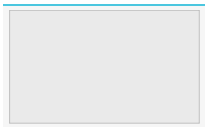
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MI6, The Spy In The Irish Police Force, Jack Lynch And Britain – An Insight Into Ango-Irish Relations A Year After Bloody Sunday

Posted on January 26, 2014 | 8 Comments

By Ed Moloney and Bob Mitchell

The British government's archive at Kew has, thanks to the ferreting of my colleague Bob Mitchell, produced a document that sheds fascinating light on the nature of the relationship between the British and Irish governments a year or so after Bloody Sunday, when the killing of fourteen unarmed civilians at a civil rights demonstration in Derry by the 1st Parachute Regiment pitched Anglo-Irish relations into their gravest crisis since the creation of the Irish state.

Those of us who were alive at the time can never forget the huge wave of anger and sympathy for Northern Nationalists that rolled through the South in the ensuing days. Factories and workplaces throughout the country came to a standstill as thousands of people staged impromptu strikes and marched to town centres carrying placards condemning the British. Buses and trains stopped running, Aer Lingus planes were grounded and the government recalled the London ambassador in protest.



A victim of the Paras' violence on Bloody Sunday is carried away

Not since partition had Southern and Northern Nationalism been so united, and not since the Anglo-Irish war of 1919-1921 had there been such anti-British fervor in Ireland, and it all culminated in a massive protest outside the British embassy in Dublin during which the building was burned to the ground. A gelignite bomb blew down the embassy's solid Georgian door and soon petrol bombs rained through the opening. A crowd estimated at 20,000 cheered as the flames consumed the building and stopped fire engines getting near the inferno.

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A huge crowd gathered outside the British embassy in Merrion Square, Dublin to protest at the Bloody Sunday killings

The Guardian reported:

> *"Hatred of Britain in the Republic reached fever pitch as the embassy's interior blazed fiercely, watched by several thousand. 'Burn, burn, burn,' they shouted as chunks of masonry and woodwork fell blazing onto the street. They redoubled their cheering whenever they saw the fire breaking through into new parts of the building."*

Symptomatic of Nationalist anger at the slaughter was the response of the normally cautious and moderate John Hume, a leader of the pro-Irish government SDLP who said sentiment in his area was now: "It's a united Ireland or nothing".

But those expecting all this to be reflected in a more aggressive stand towards the British on the North by the government in Dublin, then led by Fianna Fail chief Jack Lynch, were to be disappointed. A seminal article by Eamon McCann in the Irish Times in January 2012, written to mark the 40th anniversary of Bloody Sunday, describes how, whatever the ordinary people of Ireland felt, the dominant emotion in establishment circles was nervousness at the boost all this could give to the IRA and the alarming consequences there might be for political stability in the Southern state.

Irish prime minister Jack Lynch betrayed his inner fears in a late night phone call to British prime minister, Edward Heath just hours after the guns had fallen silent in Derry. One account of the conversation quoted him saying:

> *"'……from reactions received from around the country at the moment it looks as if a very serious point has now been reached, and the situation could escalate. . . my role is becoming more and more difficult, and I am very, very fearful of what is likely to happen. I just want to tell you how gravely apprehensive I am.'"*

Disarming The IRA

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- George W Bush
- Gerry Adams



Irish prime minister Jack Lynch

The account continued:

> *"Lynch apologised to Heath for ringing him so late….the apology 'set the tone for the conversation, with Lynch timidly trying to express his apprehensions while an irritated Heath blamed the marchers for the deaths and Lynch for not doing more to combat republicans.'"*

In the days and weeks following Bloody Sunday the southern political mainstream mobilised against the IRA, making it clear that the Provisionals were now considered a threat to the southern as well as the northern state. Lynch's government quickly announced plans to recruit an extra 600 policemen and warned that it might introduce special courts to try IRA members.

The British ambassador, Sir John Peck had complained that before Bloody Sunday juries would "frequently" refuse to convict IRA suspects but afterwards that it was "impossible" to secure a guilty verdict. To Peck's satisfaction, the juryless Special Criminal Court was established in May 1972, four months later and soon began to jail IRA suspects unimpeded by the pro-nationalist perspective from the jury room.

The day after the funerals of the Bloody Sunday victims, Lynch had issued a warning to the IRA during a speech to the Irish parliament: "The institutions of this State will be upheld without fear or favour. The laws will continue to be enforced. Those who seek to usurp the functions of government will meet with no toleration."

His Justice Minister. Des O'Malley ordered the retrial of IRA suspects acquitted on arms charges and the government's toughening line against the IRA was endorsed by opposition parties in the Irish parliament. At the government party's ard-fheis, or annual conference, held three weeks after Bloody Sunday, Lynch's

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aides successfully prevented any motion on Bloody Sunday or the North being debated. Arrests of leading Provisionals started in March and in May, the head of Sinn Fein, Ruairi O Bradaigh and former Belfast Brigade commander, Joe Cahill were jailed.



British prime minister Ted Heath (r) meets Jack Lynch

As McCann wrote:

> *"The North had seemed as never before to have become a visceral reality in the South. But literally within days, alarmed at the appalling vista suddenly revealed in the mood and scale and class composition of the demonstrations, in the burning of the embassy and the strut in the step of republican paramilitaries, the main parties of nationalism emotionally and intellectually disengaged from the North and resolved to come down hard on any elements that in the name of the North dared challenge the integrity of the Southern State."*

Bloody Sunday has often been described as a prodigious boon to the IRA, which it undoubtedly was; recruitment to the organisation soared afterwards and with its ranks swollen the IRA was able to make 1972 the most violent year of the Troubles.

But it was also a turning point for the British as well, for the other consequence was that afterwards London and Dublin united against the IRA with a new determination and agreed a political strategy – support for constitutional nationalism, a power-sharing government in Belfast and a cross-Border mechanism of some sort – that not only survived the subsequent decades but emerged triumphant on Good Friday, 1998.



In the post Bloody Sunday atmosphere, MI6 launched an operation to recruit spies in the Irish police force

Given the Irish establishment's alarm at the national mood after Bloody Sunday, it would have been surprising if British intelligence had not concluded that this might be a propitious time to step up its activities against the IRA south of the Irish Border. After all it was now clear that the two governments were at one in their hostility to the IRA; and who in the Dublin government and security apparatus could seriously object?

And so some time in 1972, when exactly we don't know, MI6 dispatched one of its agents, East African-born, John Wyman (36) with an address at Swan Walk in Chelsea, London to Dublin with instructions, it seems, to recruit sources

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inside the intelligence sections of an Garda Siochana, the Irish police force. From reports of interviews with Garda detectives later it seemed he had made several trips and had meetings with a number of “contacts” in hotels. His cover was that he was recruiting staff for a security firm based in Oxfordshire, England, which in a way was true.



A street scene in Swan Walk, Chelsea, the fashionable address given by John Wyman. This is a screen grab from a Google maps street view.

We know the name of only one of his contacts, 38-year old detective Patrick Crinnion (his name was sometimes spelled Crinion in contemporary reports), a registry clerk with C3, a specialist counter terrorism group that is part of the Special Branch, based at Garda headquarters in Phoenix Park. Crinnion was an ideal source for a group like MI6 because his job in C3’s archive gave him access to a treasure trove of intelligence documents.

There was a great irony here. During the Anglo-Irish war, IRA leader Michael Collins was given access by police sympathisers to the British intelligence archive in Dublin Castle; some fifty years later MI6 had, courtesy of a sympathetic policeman, gained similar entreé to the Irish government’s intelligence repository.

Whether Wyman had recruited other spies in the Irish governmental system to work for MI6 is not known but it certainly seems possible; both his interrogators and the Irish government suspected he had. He was arrested in late December 1972 at the West County Hotel in Chapelizod, west Dublin where he had arrived by car and was waiting in the hotel car park, as if to meet someone. He was staying in an hotel miles away in the south of the city, the Burlington, where he had made an arrangement to meet Crinnion later on the night he was arrested, so the trip to the West County raises obvious questions.

Exactly how the Irish police got on to Wyman was never explained. When he was arrested he was told it was because he was suspected of belonging to a proscribed organisation; but MI6 was not banned in Ireland. Citing this as a cause for his arrest might have been a ploy by the Irish police but it does raise the interesting possibility that Wyman was also meeting IRA members who had been under Garda Special Branch surveillance and had himself come under suspicion. The West County hotel was, because of its convenience to those travelling into Dublin from the west of Ireland, favoured by republicans as a meeting place; the hotel was where IRA dissidents met in 1986 after a split in the Gerry Adams-led Sinn Fein over dropping abstentionism to form Republican Sinn Fein.

Gardai evidence given later in court suggested that they did not know about Crinnion before Wyman’s arrest although this could have been a subterfuge to

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hide methods or sources. The Irish police claimed they got on to him when they searched Wyman's hotel room and found an unsigned note, apparently pushed under the door, re-arranging that night's meeting with Wyman for the following evening.



Hooded in overcoats and handcuffed to their garda escorts, John Wyman and John Crinnion, who are both charged under the Official Secrets Act, leaving the High Court in Dublin yesterday.—(Report: page 11.)

Detectives waited in Wyman's room for the MI6 man's mysterious visitor the following night and arrested Crinnion when he turned up. When Crinnion and his captors reached the hotel's ground floor, he tried to flee to his car but got only 40 yards when he was brought to the ground and taken to the Bridewell for questioning. A search of his vehicle led to the discovery of ten documents hidden under the carpet behind the passenger seat and more documents, all from C3's files, were found at his home in Kilmacud.

Although Wyman initially maintained to his Garda interrogators that he was an English businessman visiting Ireland to vet potential employees, he soon admitted that he was "an agent of a British Minister" and told one Special Branch detective that he and they were "in the same line" of work. A notebook in his possession indicated that he was especially interested in finding the source of rocket launchers that had come into the IRA's hands. For his part, Crinnion said he had met Wyman six times but later reduced this to three.

So, an intelligence agent from a supposedly friendly neighbour and ally had been caught red-handed suborning an officer in a sensitive counter terrorist police unit who had been induced to hand over valuable documents to a foreign government; to add to this, the agent responsible had very possibly recruited other spies elsewhere in the Irish government.

In such circumstances most governments on the receiving end of such flagrant espionage would react with controlled outrage. It might be going too far for one ally to expel another's diplomats, as happened regularly between the Soviet Union and Western powers at this time – and since they were bitter ideological foes that was to be expected – but few governments could allow such a thing to pass by without a considered and proportionate response.

That, at least initially, appeared to be the Irish government's posture on the matter, according to an intriguing document recently unearthed at Kew. The document is a three page account of a thirty minute meeting about "the Wyman incident" between Robert Armstrong, the principal private secretary to the then British prime minister Ted Heath and the Irish ambassador to London, Dr Donal O'Sullivan on December 23rd, 1972, just five days after Wyman's arrest. The document, which is erroneously headed 23 December 1973 but further down gives the correct year, 1972, is marked "Message No 3" and was addressed to

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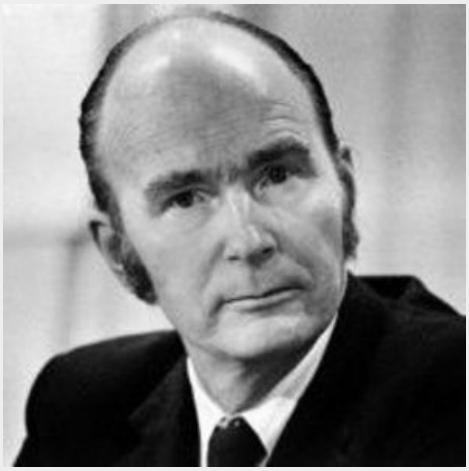
Heath at Chequers and marked “Top Secret and Personal”.



Robert Armstrong, Heath’s principal private sceretary

Britain’s ambassador to Dublin at this time was Foreign Office veteran Sir John Peck who was himself no stranger to the byzantine world of intelligence. In the 1950’s Peck had helped turn the Foreign Office’s Information Research Department (IRD) into an anti-Soviet black propaganda agency which fed material via sympathetic journalists to the BBC World Service and Third World media outlets. In the early 1970’s the IRD was very active in Northern Ireland funneling anti-IRA propaganda to the media, paralleling the work of the British Army’s Information Policy Unit then staffed by the likes of Colin Wallace.

Around December 20th, 1972, two days after John Wyman’s arrest, the Irish Foreign Minister, Dr Patrick Hillery met Sir John Peck in Dublin to discuss the matter who then reported back to Downing Street. After reading Peck’s report, Ted Heath had called in the Irish ambassador to tell him of his concerns arising from that meeting; the ambassador had then travelled to Dublin to report Heath’s unease to Jack Lynch and on December 23rd he arrived back in Downing Street to tell Robert Armstrong the result of his meeting with the Irish premier.



Ireland’s Minister for Foreign Affairs at the time of ‘the Wyman incident’, Dr Patrick Hillery

At the heart of British concerns was a comment from Hillery to Peck that the discovery of an MI6 agent at work in Dublin meant that relations between the two countries were now “back to square one”. The remark, implying Ireland’s loss of trust in the British, indicated a level of anger in official Irish circles at the affair that the detached observer might not consider inappropriate. But it soon became clear that Dr Hillery was speaking only for himself, not his prime minister. Jack Lynch’s priority was still the same as the British: the defeat of the IRA.

- AmericansForPeaceNow
- Israel Lobby Archive
- Middle East Monitor
- Mondoweiss
- Pat Lang
- Promised Land
- The Arabist
- Tikun Olam
- WikiLeaks

And so the Irish prime minister denied outright that Hillery had ever said such a thing even though, as Armstrong noted, Peck's report "had specifically quoted" exactly the same words, "back to square one"; but O'Sullivan maintained that Lynch's record of the Peck-Hillery encounter made no mention at all of the phrase, and he added:

> *"….Mr Lynch had asked him to assure the prime minister that there was no question of this on his side. He did not wish the present level of relationships to be impaired in any way. The Irish government had welcomed the British government's agreement to discuss the Irish dimension and the Council of Ireland and hoped that nothing would interfere with that situation."*

And so in a single paragraph we can see expressed the Irish government's priority in the wake of Bloody Sunday: the agreement of political structures that would help isolate and defeat the Provisionals. That was what mattered in Dublin and to underscore how important it was to the Irish state that friendly relations with the British be maintained, the ambassador even offered, on the day before Christmas Eve, to travel all the way from Downing Street in central London to the Buckinghamshire countryside to deliver Lynch's message in person to Ted Heath at Chequers should Heath wish it. He was politely declined.

The Irish ambassador had further reassurances from Lynch to deliver to Downing Street. Asked by Armstrong whether the Wyman incident might imperil cross-Border security co-operation, Dr O'Sullivan gave this assurance: "There was no intention or desire that these contacts should be in any way impaired:, adding: "….Mr Lynch was very anxious that his own relationship with the prime minister should not in any way suffer as a result of this incident."

It is clear from Armstrong's account that the Irish government was as concerned about "the public relations" downside of the affair as anything else. The phrase "public relations" appears three times in Armstrong's account of the Irish ambassador's concerns and it is evident by the repeated use of the phrase that the Irish side was concerned that the IRA could exploit Wyman's arrest for propaganda purposes. While MI6 had infiltrated the Irish police and may have recruited other, unknown agents, causing untold damage to the integrity of the state's security apparatus, the fact that the IRA might enjoy a public relations fest appeared to be of greater import in Dublin.

And although there was evidence from the interrogation of the MI6 agent and his Garda spy about "others who might be involved", the Irish side also seemed more exercised by the fact that the information passed to Wyman by Crinnion was not exclusively concerned with the IRA; some of the material found in Crinnion's car, O'Sullivan complained, were C3 documents "unrelated to the IRA" that had not yet been seen by the Minister of Justice. Had Crinnion's documents dealt only with the IRA, the Irish government, it appeared, might not have been so concerned.

Strikingly, nowhere in Armstrong's account does the Irish ambassador seek an assurance on Jack Lynch's behalf that the British will desist from any further intelligence operations on Irish soil. Rather much of the remaining conversation between Robert Armstrong and Ambassador O'Sullivan touched upon the legal treatment Britain's MI6 agent might receive in Ireland.

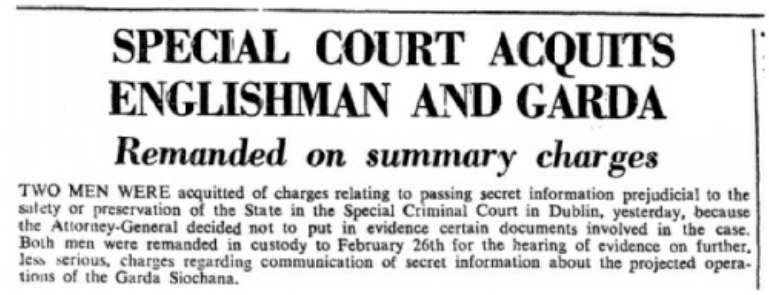
While the ambassador told Armstrong that the Irish government could not interfere in the working of the justice system, he went on to hint that it might do exactly that, as Armstrong explained in his message to Heath:

> *"I have not included in the note the two points which were for your eyes*

only:

> *"For public relations reasons his (O'Sullivan's) government would have to oppose bail; but the strength with which they would do so was another matter.*
>
> *"You had expressed concern about the effects of a long sentence. He (O'Sullivan) had the impression that this was unlikely; indeed he said there might be no sentence at all."*

Wyman and Crinnion appeared at the Special Criminal Court in Dublin in January and February 1973 and were charged under the Official Secrets Act with passing secret information prejudicial to the safety or preservation of the State, charges that brought up to seven years imprisonment.



SPECIAL COURT ACQUITS ENGLISHMAN AND GARDA

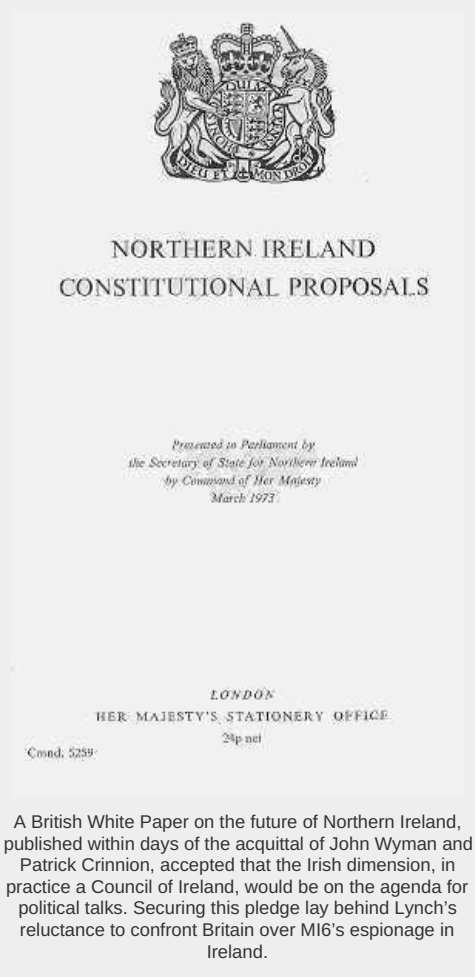
Remanded on summary charges

TWO MEN WERE acquitted of charges relating to passing secret information prejudicial to the safety or preservation of the State in the Special Criminal Court in Dublin, yesterday, because the Attorney-General decided not to put in evidence certain documents involved in the case. Both men were remanded in custody to February 26th for the hearing of evidence on further, less serious, charges regarding communication of secret information about the projected operations of the Garda Siochana.

The pair did not get bail, as the ambassador hinted they might, and they were held in isolation for their own safety at Mountjoy jail in north Dublin. But, as Dr O'Sullivan had apparently predicted, neither man would serve a single day in jail for their crime; in fact they were acquitted of the most serious charge thanks to an extraordinary move by Ireland's Attorney-General, Colm Condon, the son of a former Fianna Fail Senator.

The entire trial was held in secret, *in camera*, and reporters were banned from the courtroom. Newspaper accounts were sparse and repetitive and nothing that transpired during the trial was made publicly known. Despite this cloak of secrecy, Condon refused to allow the judges to see the documents at the heart of the case, the C3 papers which had been found in Crinnion's car. Since the documents would prove one way or another whether the security of the Irish state had been threatened by their disclosure to the British, the judges, deprived of critical evidence, had little option except to acquit both men.

Condon had the power himself to admit the documents, the judges would have read them in secret and none of their contents would ever be made public. But the decision to conceal the documents, made by a political ally of Lynch and his predecessor Sean Lemass, ensured that the MI6 agent would be acquitted and the Irish government spared an embarrassing conflict with the British just a few days before the terms were agreed for political talks on the North's future, talks that would include the Council of Ireland, the institution which Lynch's government believed would undermine support for the IRA.



NORTHERN IRELAND
CONSTITUTIONAL PROPOSALS

Presented to Parliament by
the Secretary of State for Northern Ireland
by Command of Her Majesty
March 1973

LONDON
HER MAJESTY'S STATIONERY OFFICE
24p net
Cmnd. 5259

A British White Paper on the future of Northern Ireland, published within days of the acquittal of John Wyman and Patrick Crinnion, accepted that the Irish dimension, in practice a Council of Ireland, would be on the agenda for political talks. Securing this pledge lay behind Lynch's reluctance to confront Britain over MI6's espionage in Ireland.

A week or so later, Wyman and Crinnion were tried on lesser charges of communicating information about Garda operations and on these they were found guilty and sentenced to six months jail. This trial was held in public and although basic facts about the case became known in consequence, C3's documents were kept secret. Since they had already served three months on bail and qualified for remission both men were immediately released and left Ireland for Britain, with Crinnion's lawyer bitterly complaining that his client could never set foot in his native country again.

Here is the Armstrong message to Ted Heath followed by an intriguing postscript:

MESSAGE NO 3
NO 10 TO CHEQUERS
23 DECEMBER 1973

TOP SECRET

24

TOP SECRET AND PERSONAL

FOR PRIME MINISTER FROM ROBERT ARMSTRONG

FOLLOWING IS RECORD OF MY TALK WITH IRISH AMBASSADOR. I HAVE TAKEN THE APPROPRIATE ACTION AS SUGGESTED BY YOU.

I HAVE NOT INCLUDED IN THE NOTE THE TWO POINTS WHICH WERE FOR YOUR EYES ONLY:

(1) FOR PUBLIC RELATIONS REASONS HIS GOVERNMENT WOULD HAVE TO OPPOSE BAIL: BUT THE STRENGTH WITH WHICH THEY WOULD DO SO WAS ANOTHER MATTER.

(2) YOU HAD EXPRESSED CONCERN ABOUT THE EFFECTS OF A LONG SENTENCE. HE HAD THE IMPRESSION THAT THIS WAS UNLIKELY: INDEED HE SAID THAT THERE MIGHT BE NO SENTENCES AT ALL.

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AT THE SAME TIME THE WYMAN INCIDENT PRESENTED THE IRISH GOVERNMENT WITH A DIFFICULT PROBLEM, PARTICULARLY IN PUBLIC RELATIONS TERMS. WYMAN HAD SUBORNED A POLICE OFFICIAL WHO WAS IN A DELICATE POSITION OF TRUST. INFORMATION OF A CRITICAL NATURE HAD PASSED, NOT ALL OF IT RELATED TO THE IRA. THE FACT THAT WYMAN WAS FOUND OPERATING IN THIS FIELD HAD TO BE TAKEN VERY SERIOUS NOTE OF. THERE WAS NO DOUBT THAT THIS WOULD BE USED BY THE IRA AS EVIDENCE OF COLLUSION BETWEEN THE BRITISH AND IRISH SECURITY FORCES, TO THE EMBARRASSMENT OF BOTH GOVERNMENTS. THE ALLEGATIONS THAT BRITISH AGENTS MAY HAVE BEEN INVOLVED IN THE RECENT BOMB OUTRAGE IN DUBLIN, HOWEVER ILL-FOUNDED, WOULD ALSO BE PUT TO GOOD USE BY THE IRA.

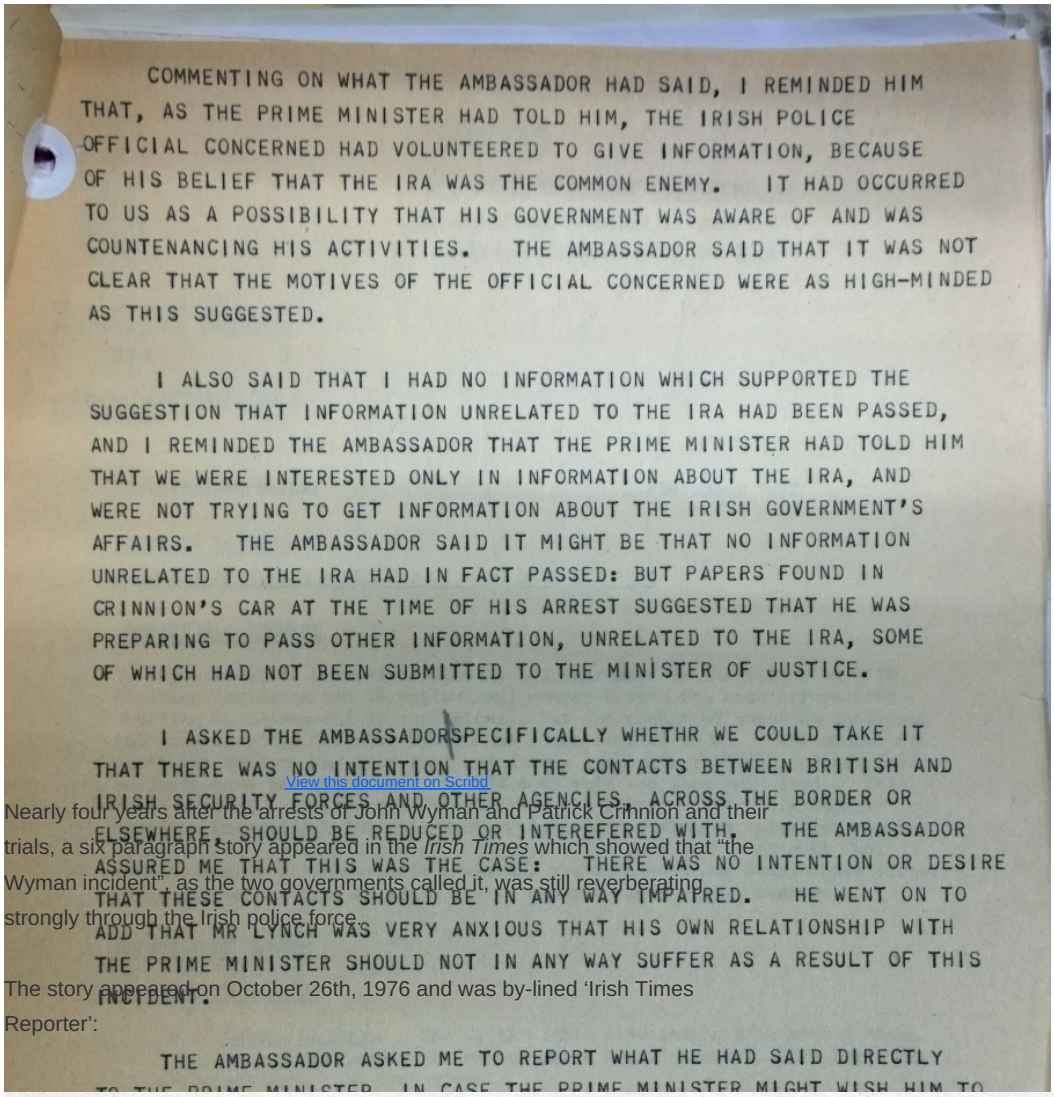
THE AMBASSADOR SAID THAT CRINNION HAD MADE A VERY FULL STATEMENT: WYMAN HAD ALSO SPOKEN FAIRLY FREELY IN THE EARLY STAGES OF HIS INTERROGATION. SOME VERY DISTURBING FACTS HAD EMERGED AND HAD GIVEN A LINE ON OTHERS WHO MIGHT BE INVOLVED.

SO FAR AS THE PERSONAL SAFETY OF WYMAN WAS CONCERNED, THE POINTS MADE BY THE PRIME MINISTER WERE MUCH IN THE IRISH GOVERNMENT'S MIND, AND THEY WOULD EXERCISE EVERY PRECAUTION.

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THE AMBASSADOR SAID THAT HE HAD BEEN ASKED TO SAY THAT HIS GOVERNMENT COULD NOT INTERFERE WITH THE LEGAL PROCESSES, OR ANTICIPATE THE DECISIONS OF THE COURTS. WYMAN WOULD COME UP ON REMAND ON WEDNESDAY, 27 DECEMBER. THE QUESTION OF BAIL WOULD THEN ARISE. THE GOVERNMENT WOULD BE BOUND, FOR PUBLIC RELATIONS REASONS, TO OPPOSE THE GRANTING OF BAIL. NONETHELESS IT WAS NOT BEYOND THE BOUNDS OF POSSIBILITY THAT BAIL WOULD BE GRANTED. MR LYNCH HAD INDICATED THAT THERE WAS A GOOD PROSPECT THAT THE CASE COULD BE DISPOSED OF BEFORE THE END OF THIS MONTH (DECEMBER).

THE AMBASSADOR REFERRED TO THE DOSSIER WHICH SIR JOHN PECK HAD TRANSMITTED TO THE IRISH GOVERNMENT FOLLOWING MR LYNCH'S MEETING WITH THE PRIME MINISTER OF 24 NOVEMBER. MR LYNCH TOLD THE AMBASSADOR THAT HE HAD LOOKED HURRIEDLY OVER THIS DOCUMENT AND, EVEN WITHOUT BEING FULLY INFORMED, HE COULD DETECT A FEW AREAS WHERE THE INFORMATION WAS DEFINITELY INACCURATE. THE DOSSIER HAD SINCE BEEN SCRUTINIZED IN THE DEPARTMENT OF JUSTICE: THIS CONFIRMED



COMMENTING ON WHAT THE AMBASSADOR HAD SAID, I REMINDED HIM THAT, AS THE PRIME MINISTER HAD TOLD HIM, THE IRISH POLICE OFFICIAL CONCERNED HAD VOLUNTEERED TO GIVE INFORMATION, BECAUSE OF HIS BELIEF THAT THE IRA WAS THE COMMON ENEMY. IT HAD OCCURRED TO US AS A POSSIBILITY THAT HIS GOVERNMENT WAS AWARE OF AND WAS COUNTENANCING HIS ACTIVITIES. THE AMBASSADOR SAID THAT IT WAS NOT CLEAR THAT THE MOTIVES OF THE OFFICIAL CONCERNED WERE AS HIGH-MINDED AS THIS SUGGESTED.

I ALSO SAID THAT I HAD NO INFORMATION WHICH SUPPORTED THE SUGGESTION THAT INFORMATION UNRELATED TO THE IRA HAD BEEN PASSED, AND I REMINDED THE AMBASSADOR THAT THE PRIME MINISTER HAD TOLD HIM THAT WE WERE INTERESTED ONLY IN INFORMATION ABOUT THE IRA, AND WERE NOT TRYING TO GET INFORMATION ABOUT THE IRISH GOVERNMENT'S AFFAIRS. THE AMBASSADOR SAID IT MIGHT BE THAT NO INFORMATION UNRELATED TO THE IRA HAD IN FACT PASSED: BUT PAPERS FOUND IN CRINNION'S CAR AT THE TIME OF HIS ARREST SUGGESTED THAT HE WAS PREPARING TO PASS OTHER INFORMATION, UNRELATED TO THE IRA, SOME OF WHICH HAD NOT BEEN SUBMITTED TO THE MINISTER OF JUSTICE.

I ASKED THE AMBASSADORSPECIFICALLY WHETHR WE COULD TAKE IT THAT THERE WAS NO INTENTION THAT THE CONTACTS BETWEEN BRITISH AND IRISH SECURITY FORCES AND OTHER AGENCIES, ACROSS THE BORDER OR ELSEWHERE, SHOULD BE REDUCED OR INTEREFERED WITH. THE AMBASSADOR ASSURED ME THAT THIS WAS THE CASE: THERE WAS NO INTENTION OR DESIRE THAT THESE CONTACTS SHOULD BE IN ANY WAY IMPAIRED. HE WENT ON TO ADD THAT MR LYNCH WAS VERY ANXIOUS THAT HIS OWN RELATIONSHIP WITH THE PRIME MINISTER SHOULD NOT IN ANY WAY SUFFER AS A RESULT OF THIS INCIDENT.

THE AMBASSADOR ASKED ME TO REPORT WHAT HE HAD SAID DIRECTLY

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Nearly four years after the arrests of John Wyman and Patrick Crinnion and their trials, a six paragraph story appeared in the *Irish Times* which showed that "the Wyman incident", as the two governments called it, was still reverberating strongly through the Irish police force.

The story appeared on October 26th, 1976 and was by-lined 'Irish Times Reporter':

'Unusual' move for Branch man

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Irish Times Reporter

THE SECOND in command of the

8 RESPONSES TO "MI6, THE SPY IN THE IRISH POLICE FORCE, JACK LYNCH AND BRITAIN – AN INSIGHT INTO ANGO-IRISH RELATIONS A YEAR AFTER BLOODY SUNDAY"



sabina clarke (@Sabinapatti) | January 26, 2014 at 3:24 pm | Reply

what a weakling Jack Lynch was…



Séamas Ó Sionnaigh (An Sionnach Fionn) | January 26, 2014 at 5:12 pm | Reply

Reblogged this on An Sionnach Fionn and commented:
How in the 1970s the government of Ireland, the party leaderships of Fianna Fáil, Fine Gael, Labour and others betrayed the security of their own citizens to a hostile foreign power to safeguard their own mastery of the Irish state and people. A sorry tale of cowardice, deceit and corruption.



rua | January 27, 2014 at 6:17 am | Reply

the tip of the ice-berg im afraid. thanks for this article. i wonder what that colossal pervert heath was up to in chequers. the republican arguments at treaty debates 50 years earlier were on the money. this cesspit is run by the gombeen mafia. but they all get voted in time and time again which is the scary thing. id say they are the easiest of targets for mi5 &6. the irish army (wha, i cant hear you) were riddled too. only army in the world that never went to war and half of them went deaf. gombeen fu*kers.

> **James** | March 11, 2014 at 9:40 am | Reply
>
> You forgot to say–They were also all good golfers. Eight o'clock in the morning the flag went up and by nine o'clock half the officer corps were on the golf courses



Cotton Boll Conspiracy | January 27, 2014 at 9:54 am | Reply

Special courts, secret trials, infiltrating neighboring governments, not to mention murder – and the English pretty much get a free pass on everything by nearly all the western media. Amazing.



Michael O'Brien. | January 29, 2014 at 3:27 pm | Reply

What about the 'Badger'? A member of the Irish police force working on the border for British Intelligence!!!

Pingback: The British Army's War With Garda Sgt McArdle: A Collusion Controversy From The 1970's | The Broken Elbow



Steve McCabe | February 14, 2014 at 9:32 pm | Reply

Sadly Irish history is riddled with conduct of this sort, all to the benefit of Perfidious Albion, the source of all the woes besetting Ireland.
But it seems the Irish have a penchant for nefarious conduct even when on their own. Look at the present bunch in leadership, the bankers and real estate people who nearly brought the nation to it's knees and have saddled the people with long term debt, without suffering any personal consequences.
Reading Irish history can be a very depressing exercise.

LEAVE A REPLY

Enter your comment here...

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CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

(2000/C 364/01)

PROCLAMACIÓN SOLEMNE

HØJTIDELIG PROKLAMATION

FEIERLICHE PROKLAMATION

ΠΑΝΗΓΥΡΙΚΗ ΔΙΑΚΗΡΥΞΗ

SOLEMN PROCLAMATION

PROCLAMATION SOLENNELLE

FORÓGRA SOLLÚNTA

PROCLAMAZIONE SOLENNE

PLECHTIGE AFKONDIGING

PROCLAMAÇÃO SOLENE

JUHLALLINEN JULISTUS

HÖGTIDLIG PROKLAMATION

El Parlamento Europeo, el Consejo y la Comisión proclaman solemnemente en tanto que Carta de los Derechos Fundamentales de la Unión Europea el texto que figura a continuación.

Europa-Parlamentet, Rådet og Kommissionen proklamerer højtideligt den tekst, der følger nedenfor, som Den Europæiske Unions charter om grundlæggende rettigheder.

Das Europäische Parlament, der Rat und die Kommission proklamieren feierlich den nachstehenden Text als Charta der Grundrechte der Europäischen Union.

Το Ευρωπαϊκό Κοινοβούλιο, το Συμβούλιο και η Επιτροπή διακηρύσσουν πανηγυρικά, ως Χάρτη Θεμελιωδών Δικαιωμάτων της Ευρωπαϊκής Ένωσης, το κείμενο που ακολουθεί.

The European Parliament, the Council and the Commission solemnly proclaim the text below as the Charter of fundamental rights of the European Union.

Le Parlement européen, le Conseil et la Commission proclament solennellement en tant que Charte des droits fondamentaux de l'Union européenne le texte repris ci-après.

Forógraíonn Parlaimint na hEorpa, an Chomhairle agus an Coimisiún go sollúnta an téacs thíos mar an Chairt um Chearta Bunúsacha den Aontas Eorpach.

Il Parlamento europeo, il Consiglio e la Commissione proclamano solennemente quale Carta dei diritti fondamentali dell'Unione europea il testo riportato in appresso.

Het Europees Parlement, de Raad en de Commissie kondigen plechtig als Handvest van de grondrechten van de Europese Unie de hierna opgenomen tekst af.

O Parlamento Europeu, o Conselho e a Comissão proclamam solenemente, enquanto Carta dos Direitos Fundamentais da União Europeia, o texto a seguir transcrito.

Euroopan parlamentti, neuvosto ja komissio juhlallisesti julistavat jäljempänä esitetyn tekstin Euroopan unionin perusoikeuskirjaksi.

Europaparlamentet, rådet och kommissionen tillkännager högtidligt denna text såsom stadga om de grundläggande rättigheterna i Europeiska unionen.

Hecho en Niza, el siete de diciembre del año dos mil.

Udfærdiget i Nice den syvende december to tusind.

Geschehen zu Nizza am siebten Dezember zweitausend.

Έγινε στη Νίκαια, στις επτά Δεκεμβρίου δύο χιλιάδες.

Done at Nice on the seventh day of December in the year two thousand.

Fait à Nice, le sept décembre deux mille.

Arna dhéanamh i Nice, an seachtú lá de Nollaig sa bhliain dhá mhíle.

Fatto a Nizza, addì sette dicembre duemila.

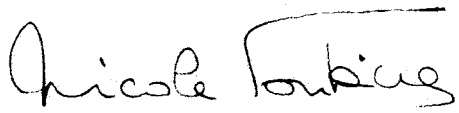
Gedaan te Nice, de zevende december tweeduizend.

Feito em Nice, em sete de Dezembro de dois mil.

Tehty Nizzassa seitsemäntenä päivänä joulukuuta vuonna kaksituhatta.

Som skedde i Nice den sjunde december tjugohundra.

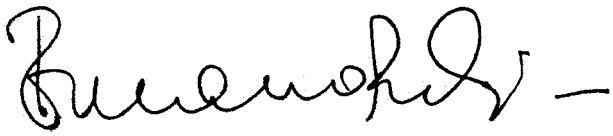
Por el Parlamento Europeo
For Europa-Parlamentet
Für das Europäische Parlament
Για το Ευρωπαϊκό Κοινοβούλιο
For the European Parliament
Pour le Parlement européen
Thar ceann Pharlaimint na hEorpa
Per il Parlamento europeo
Voor het Europees Parlement
Pelo Parlamento Europeu
Euroopan parlamentin puolesta
För Europaparlamentet



Por el Consejo de la Unión Europea
For Rådet for Den Europæiske Union
Für den Rat der Europäischen Union
Για το Συμβούλιο της Ευρωπαϊκής Ένωσης
For the Council of the European Union
Pour le Conseil de l'Union européenne
Thar ceann Chomhairle an Aontais Eorpaigh
Per il Consiglio dell'Unione europea
Voor de Raad van de Europese Unie
Pelo Conselho da União Europeia
Euroopan unionin neuvoston puolesta
För Europeiska unionens råd



Por la Comisión Europea
For Europa-kommissionen
Für die Europäische Kommission
Για την Ευρωπαϊκή Επιτροπή
For the European Commission
Pour la Commission européenne
Thar ceann an Choimisiúin Eorpaigh
Per la Commissione europea
Voor de Europese Commissie
Pela Comissão Europeia
Euroopan komission puolesta
För Europeiska kommissionen



PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case-law of the Court of Justice of the European Communities and of the European Court of Human Rights.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

The Union therefore recognises the rights, freedoms and principles set out hereafter.

CHAPTER I

DIGNITY

Article 1

Human dignity

Human dignity is inviolable. It must be respected and protected.

Article 2

Right to life

1. Everyone has the right to life.

2. No one shall be condemned to the death penalty, or executed.

Article 3

Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.

2. In the fields of medicine and biology, the following must be respected in particular:

— the free and informed consent of the person concerned, according to the procedures laid down by law,

— the prohibition of eugenic practices, in particular those aiming at the selection of persons,

— the prohibition on making the human body and its parts as such a source of financial gain,

— the prohibition of the reproductive cloning of human beings.

Article 4

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. Trafficking in human beings is prohibited.

CHAPTER II

FREEDOMS

Article 6

Right to liberty and security

Everyone has the right to liberty and security of person.

Article 7

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

Article 8

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

3. Compliance with these rules shall be subject to control by an independent authority.

Article 9

Right to marry and right to found a family

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Article 10

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 11

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.

Article 12

Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Article 13

Freedom of the arts and sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

Article 14

Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Article 15

Freedom to choose an occupation and right to engage in work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.

3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

Article 16

Freedom to conduct a business

The freedom to conduct a business in accordance with Community law and national laws and practices is recognised.

Article 17

Right to property

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.

2. Intellectual property shall be protected.

Article 18

Right to asylum

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community.

Article 19

Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.

2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

CHAPTER III

EQUALITY

Article 20

Equality before the law

Everyone is equal before the law.

Article 21

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

Article 22

Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Article 23

Equality between men and women

Equality between men and women must be ensured in all areas, including employment, work and pay.

The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

Article 24

The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

Article 25

The rights of the elderly

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Article 26

Integration of persons with disabilities

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

CHAPTER IV

SOLIDARITY

Article 27

Workers' right to information and consultation within the undertaking

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Community law and national laws and practices.

Article 28

Right of collective bargaining and action

Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Article 29

Right of access to placement services

Everyone has the right of access to a free placement service.

Article 30

Protection in the event of unjustified dismissal

Every worker has the right to protection against unjustified dismissal, in accordance with Community law and national laws and practices.

Article 31

Fair and just working conditions

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.

2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

Article 32

Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Article 33

Family and professional life

1. The family shall enjoy legal, economic and social protection.

2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

Article 34

Social security and social assistance

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Community law and national laws and practices.

2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Community law and national laws and practices.

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.

Article 35

Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

Article 36

Access to services of general economic interest

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Treaty establishing the European Community, in order to promote the social and territorial cohesion of the Union.

Article 37

Environmental protection

A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

Article 38

Consumer protection

Union policies shall ensure a high level of consumer protection.

CHAPTER V

CITIZENS' RIGHTS

Article 39

Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Article 40

Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

Article 41

Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.

2. This right includes:

— the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;

— the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;

— the obligation of the administration to give reasons for its decisions.

3. Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

Article 42

Right of access to documents

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to European Parliament, Council and Commission documents.

Article 43

Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union cases of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Article 44

Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

Article 45

Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

2. Freedom of movement and residence may be granted, in accordance with the Treaty establishing the European Community, to nationals of third countries legally resident in the territory of a Member State.

Article 46

Diplomatic and consular protection

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

CHAPTER VI

JUSTICE

Article 47

Right to an effective remedy and to a fair trial

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

Article 48

Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.

2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Article 49

Principles of legality and proportionality of criminal offences and penalties

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.

3. The severity of penalties must not be disproportionate to the criminal offence.

Article 50

Right not to be tried or punished twice in criminal proceedings for the same criminal offence

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

CHAPTER VII

GENERAL PROVISIONS

Article 51

Scope

1. The provisions of this Charter are addressed to the institutions and bodies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers.

2. This Charter does not establish any new power or task for the Community or the Union, or modify powers and tasks defined by the Treaties.

Article 52

Scope of guaranteed rights

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

2. Rights recognised by this Charter which are based on the Community Treaties or the Treaty on European Union shall be exercised under the conditions and within the limits defined by those Treaties.

3. In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

Article 53

Level of protection

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union, the Community or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Article 54

Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

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Exclusive: MI5 opened file on Jeremy Corbyn amid concerns over his IRA links

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By Claire Newell ; Hayley Dixon ; Luke Heighton and Harry Yorke, online education editor

19 MAY 2017 • 9:00PM

MI5 opened a file on Jeremy Corbyn amid concerns over his links to the IRA, The Telegraph has discovered.

The Labour leader was investigated over fears that he could have been a threat to national security at a time when he was supporting convicted terrorists and campaigning for a unified Ireland.

The revelations come as a Telegraph investigation reveals Mr Corbyn's full links to the IRA, including his support for one of the Balcombe Street gang who waged a 14-month bombing campaign across south-east England, and his links to the bomb maker believed to have been behind the Hyde Park and Regent's Park devices .

Mr Corbyn also shared a platform with a wanted IRA killer and John McDonnell, his shadow Chancellor, claimed that the pair of them used to "pin people against the wall" in the House of Commons to lobby them on behalf of Ireland.

Jeremy Corbyn MP talks to Gerry Adams at a Bobby Sands commemoration event in London CREDIT: TIMES NEWSPAPERS

It was against the background of his support for the Republican cause that MI5 began looking into Mr Corbyn's activities, and a source close to the investigation confirmed that a file had been opened on him by the early Nineties.

The source told The Telegraph: "If there was a file on someone, it meant they had come to notice. We opened a temporary file and did a preliminary investigation. It was then decided whether we should open a permanent file on them".

A file would be opened on "someone who sympathises with a certain group, or is friends with a specific person" and the purpose was to "assess whether the person was a threat", the source added.

The Metropolitan Police Special Branch was also monitoring the future Labour leader at around the same time, but it is unclear if the intelligence was shared.

Peter Francis, the undercover officer turned whistle-blower, has revealed that the force secretly compiled files on Mr Corbyn and nine other MPs which detailed their political beliefs, personal background and any demonstrations that they attended.

He was personally asked to collect information on the Islington North MP as he infiltrated anti-racist groups in the Nineties, he said.

The Conservative peer Lord Tebbit said: "I think it just marks him out as what he clearly is: a hard-Left, Marxist, terrorist sympathiser. It leaves him very comfortable in the company of McDonnell, who, as we know, said that they will gain power not through Parliament but on the streets and the picket lines."

Gerry Adams and Martin McGuinness at an IRA funeral in 1987, the year Corbyn said he was 'happy to commemorate all those who died fighting for an independent Ireland' CREDIT: PA

The former Tory Party chairman, whose wife Margaret was left permanently disabled by the 1984 bombing of Brighton's Grand Hotel, added: "It's a comfort to know that they were indeed being monitored, although clearly they stayed just on the right side, for them, of being charged with any offences. It just makes me feel that Mrs May is being perhaps unnecessarily indulgent towards the Labour Party in order to win this election."

It has also been claimed that the London Labour Briefing, a magazine which Mr Corbyn sat on the board of and frequently contributed to along with Mr McDonnell and Diane Abbott, was being monitored by the security services.

One reader, purporting to be an MI5 worker, wrote to the magazine on its 25 th anniversary claiming that it had been their job for 25 years to monitor the publication.

Mr Corbyn has been questioned over his links to republicans and during his leadership campaign he refused five times during a BBC interview to condemn IRA murders.

A spokesman for Mr Corbyn said: "MI5 kept files on many peace and Labour movement campaigners at the time , including anti-Apartheid activists and trade unionists".

The Balcombe Street Gang and Corbyn's long association with the IRA

It was one of the IRA's most notorious units whose bloody bombing campaign was only brought to an end during a five-day siege that was broadcast live on television and was watched by millions.

But until now it was not known that a member of the Balcombe Street Gang found support from Jeremy Corbyn, who campaigned on his behalf as he was serving 11 life sentences for his part in the killing of 16 people.

The revelation is part of a series of links between the Labour leader and the IRA during a long association uncovered by a Telegraph investigation.

The Balcombe Street Gang (from left: Hugh Doherty, Martin O'Connel, Edward Butler and Harry Duggan) CREDIT: PA

At the height of the Troubles, Mr Corbyn was a regular face at republican protest events and attended events to honour dead terrorists, it can be revealed.

On one such occasion it was reported in An Phoblacht, a monthly newspaper published by Sinn Fein, that he shared a platform with an IRA volunteer who was wanted over the killing of an SAS soldier and whose extradition had been requested by the British Government.

At another event commemorating Bloody Sunday, shadow Chancellor John McDonnell is recorded in a republican newspaper as bragging to crowds that in the Lobby of the Commons he and Mr Corbyn had "pinned people up against the wall and said 'do you know what has happened in Ireland in your name?'".

Perhaps the revelation which will raise most questions over his judgement is his support for Hugh Doherty, a member of the Balcombe Street gang who at the time was serving 11 life sentences.

The gang was named after the London street on which they were captured following a five-day siege CREDIT: PA

As well as attending protests, in 1987 Mr Corbyn handed a petition to then-prime minister Margaret Thatcher demanding better visiting conditions for Doherty and his fellow IRA prisoner Nat Vella and "the immediate transfer of Irish political prisoners to prisons near their homes".

The Balcombe Street gang, who were named after the London street on which they were arrested after a five-day siege, were responsible for 16 murders. During a 14-month campaign of terror across the south-east of England they carried out 50 bombings and shootings, including gunning down the television personality and co-founder of Guinness World Records, Ross McWhirter, after he offered a £50,000 reward for information that would lead to their capture. They were released in 1999 as part of the Good Friday agreement.

Addressing rally with IRA murder suspect

Archives from Troops Out, a London-based republican organisation backed by Mr Corbyn, show him supporting the cause of Dessie Ellis, who was sentenced to 10 years on explosives charges in the Eighties.

Ellis, whose family Mr Corbyn spoke alongside, was convicted of possessing bomb power-time units for bombs, including those suspected of being used for the Hyde Park and Regent's Park attacks.

It can also be revealed that he toured Ireland in the 1990s addressing rallies calling for withdrawal of the British.

Angelo Fusco, with whom Corbyn reportedly shared a platform at a rally when he was on the run for murdering an SAS officer CREDIT: REUTERS

An Phoblacht reported that at a Dublin rally he stood alongside Angelo Fusco - a wanted IRA man who was on the run after escaping during his trial for shooting dead an SAS officer – and claimed that the partition was the “greatest miscarriage of justice in the history of relations between Britain and Ireland."

At the time Corbyn was speaking alongside him in 1994, the British Government were demanding Fusco’s extradition from the Irish Republic.

Inviting republicans into Commons after Brighton bomb

His efforts to support republicans did not go unnoticed, and archives show that he left fellow MPs and members of his own party “appalled” at his decisions to invite Irish republicans into the Houses of Parliament soon after the Brighton bombing.

He was visited in the Commons by close personal friend Gerard McLochlainn, the former "voice of Sinn Fein in London", who had recently been released from prison for conspiracy to detonate explosives, and Linda Quigley, who had also recently completed a prison sentence for IRA-related offences.

The pair attended just weeks after Mrs Thatcher was targeted in the Brighton bombing, which killed five, including a Conservative MP.

The aftermath of the Brighton bomb, in which the IRA targeted Margaret Thatcher at the Conservative Party conference CREDIT: HULTON ARCHIVE

Though he was unrepentant, the archives of An Phoblacht reveal that his actions saw him called before chief whip Michael Cocks, who accused him of being “deeply insensitive” and later said that he was “appalled” at his actions.

In the wake of the bombing a leader article in the London Labour Briefing, the hard-Left magazine on which Mr Corbyn was general secretary of the editorial board, “reaffirmed its support for, and solidarity with, the Irish Republican movement.”

It added: “Let our ‘Iron Lady’ know this: those who live by the sword shall die by it. If she wants violence, then violence she will certainly get.”

Paying tribute to IRA gunmen

Mr Corbyn risked offending victims of the violence again in 1987 when he paid tribute to eight IRA gunmen who were shot dead in an SAS ambush, telling a meeting of the Wolfe Tone Society: "I'm happy to commemorate all those who died fighting for an independent Ireland."

Despite the criticism often levelled at him, Mr Corbyn remained steadfast in his support for Irish unity throughout his backbench career. Once, while on picket outside the Westminster Office of Jim Prior in 1983, he justified his links claiming that the “large Irish population elected me with a clear Troops Out ticket”.

AT A GLANCE

The allegations against Corbyn



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Such was his support he was arrested in 1986 for joining a protest outside the Old Bailey to “show solidarity” with terrorists including the Patrick Magee, who was later convicted of the Brighton bombing.

His actions also caused concern to the Royal Ulster Constabulary, who stopped and questioned him five times in one day during a 1999 visit, with Mr Corbyn later complaining to then IRA linked paper An Phoblacht: “On each occasion it has been very clear to me the police officers who've stopped me know exactly who I am and exactly why I am here.”

Refusing to condemn IRA murders

Supporters of Mr Corbyn have said his relationship with Republicans should be seen in the context of the peace talks that followed, with Chris Mullin, the former Home Office minister, describing him as “ahead of his time”.

Since he has taken over the leadership of the Labour Party Mr Corbyn has been much quieter on issues of unity in Ireland, but his past actions have continued to plague him.

In a telephone interview with the BBC during his leadership campaign he refused five times to condemn the murders by the IRA. Before the line went dead, he said: “I condemn what was done by the British Army as well as the other sides”.

A spokesman for Mr Corbyn said "Jeremy campaigned for peace in Northern Ireland. To do so, he campaigned for the rights of all to be respected and spoke to people on all sides of the conflict.

"Jeremy campaigned for fair trials and against miscarriages of justice, after a series of well publicised cases, such as the Guildford Four and the Birmingham Six."

The spokesman added: "John and Jeremy do not pin people to walls. This is clearly figurative language".

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An Phoblacht
REPUBLICAN NEWS

British Spies in the 26 Counties

BY ART Mac EOIN

DECEMBER 1972

Although the militarisation of society and the corruption of policing, the judiciary and all aspects of public life in the Six Counties, as a result of British occupation, has been obvious for decades, what has not been so obvious is the extent to which British military interfence has affected the 26Counties.

While from the early 1970s broadcasting legislation as well as the police, the courts and political life, in general, in the Irish state were gradually subsumed into supporting British counter-insurgency efforts, the results of direct action by British forces were also felt, for exapmple in the Dublin/Monaghan bombings of 1974.

However, the British military intelligence network has for long been a hidden but ever-present force working in the shadows of life within the 26 Counties. In December 1972, the extent of that network and its infilitration of An Garda S'och‡na was dramatically exposed by the arrests of John Wyman and Patrick Crinnion.

Wyman, who used various aliases, was a member of the British secret service agency MI6 and was an important agent in the British intelligence network in Ireland.

During the 1960s, especially with the outbreak of conflict in the Six Counties and the resurgence in support for the republican struggle, Wyman's network expanded. He recruited several garda', including members of the Special Branch, as agents - the most important being Detective Sergeant Patrick Crinnion.

Crinnion joined the gardai in 1955. He was transferred to Dublin Castle in 1961 and in 1969 was appointed private Secrtary to the then Head of Garda Special Branch, Chief Superintendent John P. Fleming and moved to Garda Headquarters in the Phoenix Park to control the intelligence section, known as C3.

Crinnion was a particularly valuable spy and was ideally placed to supply the British with intellgence on 26-County political and security matters, on republicans in general and on the IRA. In return for money he supplied Wyman with information, photographs and photocopies of numerous files and memoranda, most of it relating to republicans and republican supporters.

Included in the tangled web, which was Wyman's spy nertwork, were the Littejohn brothers, Keith and Kenneth. These were two English criminals on the run in Ireland during 1969, with whom British intelligence made contact. They offered to work as British spies in return for amnesty. Their offer was accepted and they were put in contact with Wyman in Dublin.

The Littlejohns were told to infiltrate republican circles, kill republican leaders and carry out operations in the 26 Counties designed to discredit the IRA and force the Fianna F‡il government to act in a repressive manner towards the movement.

In November 1972, Fianna F‡il Justice Minister Dessie O'Malley brought the draconian Offences Against the State (Amendment) Bill before Leinster House deputies. In the early hours of 2 December, as the bill was being debated in the Dail chamber, British military intelligence agents exploded a number of bombs in Dublin City, killing two people and seriously injuring 127 others. Within hours of news that bombs were exploding on the streets outside, the Bill was passed by a large majority.

The Littlejohns were arrested in London on December 20th. The following day Wyman and Crinnion were arrested in Dublin and charged with stealing state secrets. The 26 authortities acted, it appears, out of the knowledge that, having failed to discredit the IRA, the British agents were planning a campaign of political assassinations in the 26 Counties.

With the loss of two key agents, the British opted to sacrifice the Littlejohns in exchange for Wyman and Crinnion.

In February they were tried in secret and sentenced to just three months. As they had already been held for that time, they were immediately released and flown to London. The Littlejohns were sent to Dublin the following month to stand trial.

MI6 agents John Wyman and Patrick Crinnion were arrested in Dublin on 21 December, 1972, 29 years ago this week.

Contents Page for this Issue

Reply to: Republican News

UndercoverResearch Portal

WWW. UNDERCOVER RESEARCH.NET **investigating corporate and police spying on activists**

In October 2010, Mark Kennedy was exposed as a police spy who had infiltrated environmental and anti-capitalist groups for the previous seven years. His was the beginning of a series of public exposures; most resulting from investigations by the people targeted, supported by the work of Rob Evans and Paul Lewis at the Guardian. Growing public pressure led to more than a dozen official - and mostly internal - reviews, and eventually to the judge-led Pitchford Inquiry into undercover policing which started autumn 2015 and is to run for three years.'

The **Undercover Research Portal** provides easy public access to the stories about the various undercover officers who have been exposed and the groups they spied upon. We also look at the police officers and units involved and how they interconnect with some of the big stories around policing in the past few decades. The portal is set up and edited by the Undercover Research Group, we also write the **Undercover Research blog** dedicated to analyse and comment our work on political policing. Both are overseen by Eveline Lubbers and Peter Salmon. We can be reached by email - PGP key available on request.

Both Powerbase and the Undercover Research Group have a policy of strict referencing. Please read the Undercover Research Group disclaimer and the Powerbase general disclaimer.

Background

The undercover operations exposed involve two Special Branch units that focused on protest groups and what would in the 2000s be given the name Domestic Extremism. These were the Special Demonstration Squad, operating since 1968, and the National Public Order Intelligence Unit. The lack of supervision and oversight of their undercover police operations has led to more than a dozen official inquiries, most of which are internal and confidential. Convictions of campaigners have been overturned, and declared unsafe because it had not been disclosed that undercover police officers were at the heart of activities, and it is highly likely that further convictions will be challenged. A number of court cases have been initiated by women tricked into intimate relationships with undercover agents (and in a few cases having children by them. Hearings in Parliament have questioned the more extreme methods employed, such as the use of death certificates of children to provide a false identity for the spies involved; while using Parliamentary Privilege, Green MP Caroline Lucas has accused one spy of being an agent provocateur, committing arson while an activist with the Animal Liberation Front.

Elsewhere another officer, Peter Francis, came forward with details of how the undercover police were used to smear the Stephen Lawrence family. It has become apparent that a culture of abuse grew up around the units involved in covert

What's New on Undercover Research

What's New on UndercoverResearch

1. Operation Elter
2. John Graham (alias)
3. Andy Coles AKA *Andy Davey*
4. *Rod Richardson (alias)*
5. Andrew Robbins, Head of NDET
6. Muslim Contact Unit
7. Bob Lambert and the Muslim Community
8. Bob Lambert and the Academic Community
9. Bob Lambert Writing and Speaking
10. Roger Pearce

Undercovers Uncovered

List of 'confirmed' undercover officers in the UK

1. Peter Francis AKA *Peter Daley* or *Pete Black*, SDS
2. Mark Kennedy AKA *Mark Stone*, NPOIU
3. *Lynn Watson (alias)*, NPOIU
4. *Marco Jacobs (alias)*, NPOIU
5. Jim Boyling AKA *Jim Sutton*, SDS
6. *Simon Wellings (alias)*, SDS
7. Robert Lambert AKA *Bob Robinson*, SDS
8. John Dines AKA *John Barker*, SDS
9. Mark Jenner AKA *Mark Cassidy*, SDS
10. *Carlo Neri (alias)*, SDS
11. *"RC" (alias)*, SDS

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policing and how that intelligence was used. So much so, that a public inquiry was announced in 2014.

Where to Start?

Follow the links below to learn about the secretive world of undercover policing, the shadowy units and the personalities involved, as well as context for the stories seen in the news.

- An A-Z list of articles on the people, groups and issues around undercover operations and policing of protest.

Undercover Operations in Policing Protest and Dissent

- The Undercover Officers: *profiles of known undercover police.*
- The Covert Police Units: *the units which spied on protests and protestors.*
- Police Officers: *the senior police who knew and had oversight*
- International Surveillance and Undercover Groups
- Non-UK undercover police

Corporate Spying

- Known Infiltrators
- Corporate Intelligence Agencies and Private Investigation Agencies: *the private security firms who have spied on campaign groups.*
- UndercoverResearch: Ex-Cops in the Security Industry: *police officers who have taken their knowledge and experience to the corporate world.*

Issues/Case Studies/Background/Analysis

- Smearing of the Stephen Lawrence Campaign
- Use of Identities of Children
- Sexual Relations
- Domestic Extremism
- Convictions Overturned
- Consultancy Association Blacklist
- Far Right

Holding Authorities to Account

- Official Inquiries
- Rules & Regulation on Undercover Policing
- Parliamentary Hearings and Questions
- Cases in Court
- Official Inquiries, Cases in Court & Questions - Abroad
- International Policy and Agreements on Undercover Operations

Targets and Background

- Targeted Groups

12. *Gary R. & Abigail L. (aliases)*, NPOIU
13. *Rod Richardson (alias)*, SDS
14. Mike Chitty AKA *Mike Blake*, SDS
15. *Matt Rayner (alias)*, SDS
16. *Jason Bishop (alias)*, SDS
17. *N81*, SDS
18. Roger Pearce, SDS
19. Andy Coles AKA *Andy Davey*, SDS
20. *Rick Gibson (alias)*, SDS
21. *Douglas Edwards (alias)*, SDS
22. *John Graham (alias)*, SDS
23. *William Paul 'Bill' Lewis*, SDS

Undercover Police Officers & Agents - Abroad

1. Simon Bromma AKA *Simon Brenner* (Germany)
2. Christian Høibø (Norway)

Further Reading

collaborating with

- ARspycatcher
- Police Spies Out of Lives
- Campaign Opposing Police Surveillance
- Network on Police Monitoring (NetPol)
- SpinWatch
- CorporateWatch
- StateWatch

others of interest

- The Monitoring Group
- Hillsborough Justice Campaign
- Random Reflectons of a Domestic Extremist
- ActivistSecurity.org

resources for further action

- FOIA Fighters
- NetPol guide to requesting your data from the police
- Exposing Infiltrators and Informers (pdf from ActivistSecurity.org)
- Activist Security Handbook (pdf from ActivistSecurity.org)

- Targeted Events

References

Category: UndercoverResearch

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Information management

Data protection principles

The data protection principles set out the standards governing the processing of personal data. All chief officers, in their capacity as data controllers, must comply with the principles unless an exemptions applies.

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Principle 1 – fair and lawful processing

The first principle tends to be the most significant of the eight principles. It includes detailed conditions that apply to obtaining and processing personal data, and a requirement for lawfulness which necessitates consideration of other legal rules.

Further information

DPA Schedule 1 Part 1 section 1

Information Commissioner's Office guidance on using the crime and taxation exemptions

The first principle requires that personal data shall be processed lawfully and fairly and in particular should not be processed unless at least one of the conditions in Schedule 2 is met, and, in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met. It requires the police force to ensure that it has a legitimate basis for processing all personal data. If a police force cannot comply with this principle, the processing is in breach of the DPA.

Lawfully and fairly are not precisely defined in the DPA, although Part 2 of Schedule 1 provides interpretation of fairly in terms of obtaining.

The exemption at DPA section 29(1) provides the police with a useful relief from some requirements of the first principle where it is necessary to prevent or detect crime, or to apprehend or prosecute offenders.

Lawful processing

Further information

Home Office (2005) Code of Practice on the Management of Police information

Personal data must not be processed in contravention of any statute, legal obligation or restriction – to do so would represent unlawful processing and thus breach the first principle. There should be a positive legal justification for the processing.

The power for the police to process personal data can be derived from its policing purpose.

The police may also be subject to other common law, statutory obligations or by order of the court which require or permit certain types of processing.

Where data is processed for a policing purpose, it is likely that the requirements of this element are met. Unlawful processing may arise where the police process personal data is:

1. beyond or in contravention of their statutory or common law powers (eg, ultra vires), for example, the police sell the names and addresses of burglary victims to companies trying to sell double-glazing
2. in breach of an obligation of confidentiality, for example, the police publish the names and home addresses of all staff on the internet
3. in breach of any law or prohibitions, for example
 - the police obtain personal data in contravention of the Regulation of Investigatory Powers Act 2000
 - the police process personal data in contravention of the DPA
 - the police process personal data in a manner which breaches the Article 8 rights of the Human Rights Act 1998
4. in breach of an enforceable contractual agreement
5. in a manner where the 'need to know' is not established.

Lawful processing – confidentiality

There are circumstances where an obligation of confidence arises between the police and a data subject and to breach that confidence without reasonable justification would be

likely to represent unlawful processing.

The obligation of confidence means that the police are restricted from processing the personal data for a purpose other than that for which it was provided unless the:

- data subject consented to the processing or,
- processing was required by law or,
- processing was in the public interest.

The nature of the policing purpose is that either of the latter two grounds are likely to apply where the obligation of confidence needs to be breached to prevent or detect crime, apprehend or prosecute offenders or to protect life.

The Information Commissioner has produced useful guidance on confidentiality as part of a series of a library of good practice guidance designed to help understand and apply the Freedom of Information Act 2000.

Data Protection Act 1998 Schedule 2

Further information

National security (DPA section 28)

Domestic purposes (DPA section 36)

The DPA Schedule 2 conditions are relevant for the purposes of the DPA principle 1.

The first principle requires that, in addition to the lawfulness and fairness requirements, personal data must not be processed unless at least one of the conditions in DPA Schedule 2 is met.

The majority of the Schedule 2 (and 3) conditions stipulate that the processing must be necessary for the purpose set out in that particular condition. Forces should consider objectively whether:

- the purposes for which the data is being processed are valid
- these purposes can only be achieved by processing the personal data
- the processing is proportionate to the aim pursued.

Exemptions from the Schedule 2 and 3 conditions include those for national security and domestic purposes – both exemptions also provide relief from other elements of the DPA (see DPA exemptions).

The Schedule 2 conditions stipulate that the processing must be necessary for the purpose set out in that particular condition.

Where forces rely on any of the Schedule 2 conditions under paragraphs 1 to 4, the data subject is unable to claim their right to object to processing under DPA section 10.

The Schedule 2 conditions likely to be of most relevance to the police are examined in more detail below.

Schedule 2 condition 1 – consent

The data subject gives their consent to the processing of their data. Consent must be appropriate to the particular circumstances. Forces may legitimise processing using other conditions and revert to consent in the absence of another condition. Forces must evaluate the adequacy of any consent or purported consent.

Where a data subject does not signify consent to the use of their personal data and is given an opportunity to object to its use, the data controller may rely on another Schedule 2 condition.

No one condition carries more weight than any other, and consent is not particularly easy to achieve and may be withdrawn at any time. The police should attempt to legitimise processing using other conditions and only revert to consent in the absence of another condition.

Consent is not defined in the DPA. It will need to be assessed in the light of the facts. It should be a freely-given, specific and informed indication of the data subject's wishes where they signify their agreement to their personal data being processed.

Schedule 2 condition 3 – non-contractual legal obligations

Processing must be necessary for compliance with any legal obligation to which the force is subject, other than an obligation imposed by a contract.

Example of Schedule 2 condition 3 – non-contractual legal obligations.

Schedule 2 condition 4 – vital interests

Processing must be necessary in order to protect the vital interests of the data subject. The ICO places a narrow interpretation on this condition, applying it to life and death situations. However, forces may use this condition where processing of personal data is required in order to prevent harm to an individual.

Example of Schedule 2 condition 4 – vital interests.

Schedule 2 condition 5 – public functions

Personal data can be processed where it is necessary for the:

- administration of justice
- exercise of any functions conferred by or under any legislation
- exercise of any other functions of a public nature exercised in the public interest.

The DPA principles do not define administration of justice, but along with the exercise of any functions conferred by or under any legislation they encompass much police activity such as crime prevention or detection and the apprehension and prosecution of offenders, and the supporting activities that enable this.

Example of Schedule 2 condition 5 – public functions.

Schedule 2 condition 6 – legitimate interests

Data processing must be necessary for the purposes of legitimate interests pursued by the police, third parties or parties to whom the data is disclosed. An exception applies where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

Practitioners should carry out a balancing test to determine whether the legitimate interests of the data subject carry more or less weight than those of the police or third party to whom the personal data is disclosed.

There is no generic balancing test. It may be useful for police forces to identify and quantify the likely harm to the data subject, other individuals, the wider public and the police. This assessment could include contacting the data subject to seek their views on any likely impact, or examining the effects of similar processing operations in the past.

Data Protection Act 1998 Schedule 3

Sensitive personal data can only be processed where at least one of the conditions in DPA Schedule 2 and at least one condition from Schedule 3 are satisfied.

The Schedule 3 conditions likely to be of most relevance to the police are examined in more detail below.

Schedule 3 condition 1 – explicit consent

This provision goes beyond that of consent under Schedule 2 in that in the case of sensitive personal data, the consent has to be explicit.

Forces should consider how they can demonstrate consent is explicit. Where forces rely on this condition, they may wish to ensure it is provided in writing or have some other means to prove that the consent was informed, clear, freely given and unambiguous.

The data subject should be advised of the specific detail and purposes of the processing, a description of their sensitive personal data to be processed, and any special aspects of the processing which may affect them, including any disclosures that may be made of the data.

Schedule 3 condition 3 – vital interests

This condition is wider than Schedule 2 condition 4 – vital interests as it covers processing sensitive personal data of the data subject or another person.

Processing under Schedule 3 condition 3 must be necessary in order to protect the vital interests of the data subject or another person, in a case where consent cannot be given by or on behalf of the data subject, or the data controller cannot reasonably be expected to obtain the consent of the data subject, or consent has been unreasonably withheld.

The ICO places a narrow interpretation on this condition, applying it to life and death situations. However, forces may use this condition where processing of sensitive personal data is required in order to prevent harm to an individual. Consent issues must be considered on a case-by-case basis.

Schedule 3 condition 6 – legal proceedings

This condition allows forces to process sensitive personal data where it is necessary for any of the following purposes:

- in connection with any legal proceedings (including prospective legal proceedings)
- obtaining legal advice, or
- otherwise necessary for establishing, exercising or defending legal rights.

Forces should adopt a narrow interpretation of what is necessary when establishing, exercising or defending legal rights, and rely on another Schedule 3 condition if there is any doubt as to whether it applies. In particular, it should not be used to construct a legal right where none exists.

Schedule 3 condition 7 – public functions

Sensitive personal data can be processed where it is necessary for the:

- administration of justice
- exercise of any functions conferred on any person (including a constable) by or under an enactment
- exercise of any functions of the Crown, a Minister of the Crown or a government department.

The DPA principles do not define administration of justice, but along with the exercise of any functions conferred by or under any legislation they encompasses much police activity such as crime prevention or detection and apprehending and prosecuting offenders, and the supporting activities that enable this.

Schedule 3 condition 10 – additional conditions issued by the secretary of state

Established under Schedule 3 condition 10, Statutory Instrument 2000 No 417 Data Protection (Processing of Sensitive Personal Data) Order 2000 created additional conditions for processing sensitive personal data which are relevant to the police service.

Paragraph 1 allows for such processing where it is:

- in the substantial public interest
- necessary to prevent or detect any unlawful act or failure to act
- carried out without the explicit consent of the data subject being sought so as not to prejudice those purposes.

This condition can only be relied on where there would be a prejudice to the purpose if the data subject was to be informed of the processing and asked to consent.

> The use of the term unlawful means that the act or omission is not restricted to criminal activity, but also covers breaches of civil obligations.

Paragraph 10 allows for such processing of sensitive personal data where necessary for the exercise of any functions conferred on a constable by any rule of law. This also covers processing by the police in the exercise of their common law powers. Processing must be necessary for activity derived from a specific legal power.

Fair processing

Subject to exemptions, the police must obtain and process personal data fairly.

> **Further information**
> Fair processing exemptions

Any data subject should not be surprised by the police's use of their personal data. The potential for such surprise will be affected by the data subject's legitimate expectations.

Members of the public who contact the police would expect that if they reported or witnessed a crime or incident the police would collect their personal data and further process it for those purposes. They would not expect their personal data to be provided automatically in all cases to the media. Those subject to police investigations will have a legitimate expectation that the police will process their personal data for the policing purpose.

The DPA assists with interpreting the fairness requirement of the principle in Schedule 1 Part 2 paragraphs 1 to 3 – termed the fair processing requirements by the Information Commissioner. Compliance with the fair processing requirements will not in itself necessarily ensure fair processing.

Fair processing requirements – obtaining

To determine whether personal data is processed fairly, forces must consider how it was obtained – has the person been deceived or misled as to how their information will be used?

Personal data is considered to have been fairly obtained if it is from a person who is authorised by law to supply it or is required to supply it by, or under, any enactment. This is subject to DPA Schedule 1 Part 1 paragraph 2, which sets out the information which must be provided to data subjects.

Fair processing requirements – fair processing notices

DPA Schedule 1 Part 1 paragraph 2 provides that personal data is not to be treated as processed fairly unless certain specified information is provided to a data subject either verbally or in writing. This can be at the time the personal data is gathered from them or, if it is obtained by another route, either before the relevant time (see DPA Schedule 1 part 2 paragraph 2(2)) or as soon as practicable thereafter.

> **Further information**
> Information Commissioner's legal guidance

Exemptions from providing fair processing notices

It is not always necessary to provide a fair processing notice, however, one must be supplied when requested by an individual.

The two occasions that are exempt are where it:

- would involve a disproportionate effort (which is not defined in the DPA)

- is necessary for the police to record the information to be contained in the data, or to disclose the data, to comply with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.

Where the police rely on the disproportionate effort condition above, the police force should keep a record of the reasons for the decision. When determining the disproportionate effort, the police will consider factors such as the nature of the data, the length of time and the cost in providing the information, balanced against any prejudicial effect to the data subject.

Police use of fair processing notices

The police will obtain and further process personal data relating to a wide variety of data subjects, including staff, victims, and criminals. Any application of the fairness requirement, including the use of fair processing notices, will need to be adjusted according to the nature of that relationship.

Police forces should ensure that general fair processing notices are provided as and when required:

- publicly as a leaflet
- on force websites
- on footers of all emails.

Forces should provide specific fair processing notices:

- on police forms and associated policy related to employment or personnel matters, including recruitment, commendations, discipline, personal development plans, payroll, sickness, and contracts
- on signs for overt CCTV systems operated by the police force
- on signs for overt ANPR systems
- to victims of crime in respect of referrals to victim support services
- where necessary on an ad hoc basis.

Under DPA section 29(1), a fair processing notice may not have to be provided where doing so would likely prejudice preventing or detecting crime, or apprehending or prosecuting offenders.

Police forces are not expected to place fair processing notices on telephone lines that may receive emergency calls (including misdirected ones) because of the associated risk of harm that may be caused through the delay in response to the call.

Further information

Information Commissioner's Office guidance on using the crime and taxation exemptions

Principle 2 – notification and compatible use

The second principle requires that forces only obtain personal data for one or more specified and lawful purpose(s) and do not, subject to exemptions, further process it in any manner incompatible with that purpose or those purposes.

The specified purpose(s) in the second principle may be achieved either through a fair processing notice given by the force to the data subject in accordance with the fair processing requirements, or in a notification given to the Information Commissioner.

Forces must notify the Information Commissioner when they process personal data. Processing must be assessed against all the principles, and the notification should be regarded as a high-level public description of processing that a force may undertake. The police service has adopted a standard notification to ensure corporacy and consistency.

Consideration

Fair and lawful processing checklist

ICO guidance on processing personal data for specified purposes

DPA Schedule 1 Part 1 section 2

When deciding whether any disclosure of personal data is compatible with the purpose for which the data was obtained, forces should consider the purpose(s) for which the personal data is intended to be processed.

Compatibility may allow that the processing is different although not contradictory or inconsistent with the purposes for which the data was obtained.

If processing is not compatible with the purpose(s), exemptions may still allow for the processing to occur.

Example of compatibility and incompatibility.

Principle 3 – adequate, relevant and not excessive

Personal data must be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed.

Forces must identify the minimum amount of personal data that is required. Forces must regularly monitor compliance with this principle as changes in circumstances or failure to keep the information up to date may mean that personal data that was originally compliant becomes non-compliant.

A necessity test will identify the minimum amount of personal data that is required to achieve the specific purpose(s). Personal data must not be excessive for the purpose for which it is held. If personal data is kept for longer than necessary then it is likely to be both irrelevant and excessive.

Further information

DPA exemptions

ICO guidance on the amount of personal data you may hold (principle 3)

DPA Schedule 1 Part 1 section 3

Anyone recording personal data must ensure that it is adequate, unambiguous and appropriately worded. Forces should:

- apply common data standards
- avoid jargon
- only use acronyms where it is appropriate to do so
- take a proportionate approach when recording personal data, meaning they will not hold information on all individuals where that particular item of data type is only relevant in certain individual cases
- ensure that all personal data processed by the force is sufficient for the purpose(s) for which it is used or likely to be used
- ensure that personal data is clear in meaning and sufficient for others to understand at all times, taking particular care to ensure that records of investigations are recorded such that subsequent enquirers can understand the context, rationale and outcome of what took place
- ensure that opinions are distinguishable from matters of fact
- record sufficient information to ensure that personal data held on police systems relating to one individual cannot be confused with that of another individual with similar details
- evaluate personal data as to its quality, provenance and reliability.

Principle 4 – accurate and up to date

Personal data must be accurate and, where necessary, kept up to date. Adherence to these requirements and those from principle 3 help ensure that police information has the necessary data quality for operational decision-making and risk management.

Further information

DPA Schedule 1 Part 1 section 4

ICO data protection guide (Principle

Accurate

Forces must adopt procedures to prevent factual inaccuracies being entered onto force information systems by:

4)

- ensuring that the source of the personal data is reliable
- taking steps to verify the personal data if possible with another source or, if reasonable, with the data subject
- using automatic validation procedures to ensure procedures for data entry and the information system itself do not introduce inaccuracies
- using constrained fields in computer databases.

Forces should maintain accuracy standards by implementing protection compliance audits, inspections and monitoring. Where there are inaccuracies, forces must take steps to lessen the damage or distress caused to the data subject or any other person.

Keeping data up to date

Keeping data up to date is only required where necessary. The purpose for which data is held or used will be relevant in deciding whether updating the data is required. Where personal data is intended to be used as a historical record or snapshot in time then updating would be inappropriate. Forces may consider appending new information where necessary. When it is decided that data needs to be updated, forces should consider whether:

- there is a record of when the personal data was recorded or last updated
- personal data has been updated appropriately
- out-of-date personal data is likely to prejudice the policing purpose or cause damage or distress to the data subject.

Principle 5 – retention

If personal data is kept for longer than necessary then it is likely to be both irrelevant and excessive.

Personal data processed for any purpose(s) must not be kept for longer than necessary. Forces should regularly review personal data to establish whether it is still required, and dispose of it as necessary. Information asset owners must ensure that review and disposal procedures are adopted for both electronically and manually-held personal data.

Further information
APP on information management – retention

ICO data protection guidance – Retaining personal data (Principle 5)

DPA Schedule 1 Part 1 section 5

Forces should:

- develop processes to resolve data quality disputes or complaints regarding the retention or otherwise of personal data
- have a systematic approach that includes the definition of review periods for particular categories of documents or information containing personal data
- consider certain statutory requirements that may specify required retention periods, or the potential value of some personal data and other information which may suggest further retention for historic purposes
- maintain a flexible approach towards retention issues which allow them to properly assess individual cases and reach proportionate decisions regarding retention.

Principle 6 – rights of data subjects

Principle six provides a number of data subject rights which must be respected. These include:

Further information
ICO data protection guidance – The rights of individuals (Principle 6)

DPA Schedule 1 Part 2 paragraph 8

- rights of access to a copy of the information comprised in their personal data (subject access)
- preventing processing likely to cause damage or distress
- preventing direct marketing
- automated decision taking
- correcting inaccurate personal data
- compensation
- requesting assessment by the Information Commissioner.

Forces need to ensure that arrangements are in place to recognise the above rights and that there is close liaison between the various departments to ensure that individual rights are respected. The force DPO must be informed when individuals are exercising their data protection rights. The DPO will ensure:

- prompt action is taken
- an assessment is carried out to determine if the request is valid, meets the necessary criteria and the level of compliance required
- liaison with legal services where appropriate
- a formal written response is provided within the statutory timescales
- auditable records are created to evidence the management process
- organisational learning occurs.

Any person may directly request the Information Commissioner to make an assessment of the data controllers' processing, if they believe they are affected by the processing of personal data by a force. This may lead to the Information Commissioner taking enforcement action.

Where the appeals process relates to the use of the exemption under DPA section 28 (national security) the force should contact the ACPO director of information.

Subject access

Personal data must be processed in accordance with the rights of the data subject. Subject to exemptions (DPA section 7) individuals have a right of access to their personal data processed by a data controller – a process known as subject access. Subject access is a statutory right that forces must accommodate and should not be seen as an alternative or replacement for routine disclosures. Where personal data forms part of a document, the subject right is only on the personal data, and not the document itself. It may, therefore, be necessary to extract the information from the document and reproduce it into another Word document or spreadsheet. This should be determined on a case-by-case basis and could be necessary where, for example, the disclosure of an intelligence record or part of a record or memo would reveal only a small amount of data that is considered to be the subject's personal data.

Further information
Subject access scenarios and examples

What is personal data? – A quick reference guide

Determining what is personal data

Information Commissioner's Office (2014) Subject Access Code of Practice

This process will also allow the practitioner not to reveal the extent of any redaction.

In some instances it might be more appropriate and easier for the data controller to provide the actual document.

Following a valid request, an individual is entitled to be:

- informed of whether their personal data is being processed by a force and, if so, to be given a description of
 - the personal data
 - the purposes for which they are being processed
 - those to whom they are or may be disclosed
- given a copy of any personal data held and, where necessary, this information
 - must be a permanent copy of the data unless doing so would involve disproportionate effort or the individual agrees otherwise
 - must be in an intelligible form explained to the individual
- given details of the source of the data, if available – the data controller is not obliged to disclose this information where the source of the data is, or can be identified as, an

individual.

Managing subject access requests

Forces must ensure that there is a link on their public-facing website to the ACRO website. Forces should also publish the template subject access form (SA2) for non PNC data, on their public-facing websites and/or have the templates available on request and ensure that arrangements are in place to recognise subject access requests (SARs) that may be made via other routes, for example, complaints departments (or equivalent).

Further information

DPA section 7 (2)

Single requests for both FOIA and DPA data must be coordinated.

Types of subject access requests

Subject access requests are initially assessed against the DPA subject access provisions. If the request is unsatisfactory, the requestor must be advised accordingly and as soon as possible. Subject access requests can be divided into two categories.

1. PNC – these requests are carried out by ACRO in accordance with the ACPO, ACRO Data Processing Agreement.
2. Non-PNC – these requests are carried out by forces. Where these requests involve data sourced or in operational use by another force, the request should be considered in liaison with those forces prior to response.

Officers and staff should encourage requestors to apply to the force where they reside or most recently resided. They should direct requests for personal data held or processed by a particular force to that force in a timely manner. Forces should keep requestors up to date on the progress of their applications as necessary.

Validating requests

A valid data subject access request must be:

- in writing – with reasonable information to allow the force to locate the personal data. Forces cannot compel applicants to use the subject access templates.
- accompanied by the required fee (£10) – forces must charge a standard fee, subject to the statutory maximum. Where a single request is made for personal data that is held on both the PNC and non-PNC, forces can charge only one fee.
- subject to validation of the applicant's identity.

Further information

ICO (2014) Subject Access Code of Practice – Dealing with requests from individuals for personal information

ICO guidance on subject access request

Finding and retrieving relevant information

Extensive efforts should be made to find and retrieve the requested information as soon as the application is received. This may include contact with the relevant business area lead to identify the data and any prejudice in its disclosure. This process should be auditable and the decisions and rationales should be recorded. Any decision on these matters should reflect the right of the subject and the requirement to respond within the statutory timescale.

Forces are not required to do things that would be unreasonable or disproportionate to the importance of providing subject access to the information.

Further information

ICO Code of Practice on Subject Access – Finding and retrieving relevant information

DPA section 7(3)

Forces must consider all personal data in their possession when they receive a subject access request, irrespective of where that personal data originated from. Forces may write to the provider of the information to ask formally for their views on disclosure of any personal data to the requestor. This correspondence could indicate that unless an objection was received before the end of the 40-day deadline, the police force may disclose the personal data sought. The final decision on disclosure rests with the force receiving the subject access request.

Any personal data produced from a search, relating to the requestor, must be scrutinised by relevant staff (normally by the information system owner, data protection officer and others as necessary).

Further clarification of the request

Before responding to a subject access request, forces may ask the requester for further information to find the data in question. Forces need not comply with the request until this has been received. Officers should not delay responding to a request unless further information is required to help them find the data in question.

Clarification may include:

- time periods
- emails between certain people
- location/storage.

Routine amendment and deliberate destruction

The information supplied in response to a subject access request must reflect the personal data held at the time the request was accepted by the police force. However, forces may take account of any routine amendment or deletion made between receiving and responding to a request, provided that it had not been made as a result of receiving the request.

Under FOIA section 77, it is an offence for a force to alter, deface, block, erase, destroy or conceal information and personal data sought under the subject access and FOIA, if it is done with the intention of preventing the disclosure of all or part of the information and personal data sought.

Further information

DPA section 8(6)

ICO Code of Practice on Subject Access – Amending data following receipt of a subject access request

Withdrawal and requests

Where a subject access request is withdrawn, forces are encouraged to obtain confirmation of the withdrawal in writing.

Circumstances when information and personal data may be withheld

Access to personal data sought under the subject access process may be withheld in the following circumstances:

- third-party personal data
- disproportionate effort
- subject access exemption.

There may also be statutory obligations that further restrict the disclosure of personal data.

Further information

DPA section 7(4)(a)

DPA section 7(4)(b)

DPA exemptions

Third-party personal data

Forces may not be obliged to disclose data relating to someone other than the requestor. Due regard has to be given to a balance of interest of those concerned. It may be appropriate to disclose:

- the staff name or other identifiers, where they are acting in an overt professional capacity
- a statement or a transcript of a 999 call provided by the requestor where they refer to third parties (and these are their spoken

Further information

ICO Code of Practice on Subject Access – Dealing with subject access requests involving other people's

words).

information

Disproportionate effort

Where disproportionate effort is appropriately claimed, the force will be required to look for alternative means to supply access to the personal data. The following factors will be considered as part of any deliberations on disproportionate effort:

- information/assistance the requestor has provided to identify the personal data
- what a reasonable person would believe to be a reasonable amount of effort
- extraction/redaction time needed, depending on the complexity of the information and the manner in which it is stored. For example, the request for personal data is contained on an old computer system. The system is such that the information can only be viewed on screen and cannot be exported or printed.

Further information
ICO Code of Practice on Subject Access – Supplying information in permanent form – how the 'disproportionate effort' exception applies

Subject access exemptions

There are a number of exemptions within the DPA that recognise that there may be a public interest in withholding personal data sought under subject access. Exemptions must only be used on a case-by-case basis, to the extent necessary, and not as a blanket to withhold all the information captured. When an exemption is applied and personal data is not disclosed under the subject access process, forces should record the reasons for applying the exemption, in case it is necessary to defend the force's position to the Information Commissioner.

The exemptions provided under the DPA, as outlined below, are commonly used by the police service for subject access.

Further information
DPA section 27 – 39

DPA Schedule 7

ICO Code of Practice on Subject Access – Exemptions

National security

Forces are allowed to withhold personal data sought under subject access for the purpose of safeguarding national security. The DPA section 28 exemption is not restricted to non-disclosure under subject access, but also applies to most of the DPA where necessary, to protect processing for national security purposes.

When a force is considering whether a DPA section 28(1) applies, it may decide that a DPA section 29(1) also applies. In which case it may be content to rely on the DPA section 29(1) exemption.

The force must ensure that the DPO contacts the ACPO director of information before responding to such requests. A certificate signed by a Minister of the Crown, certifying that the use of the DPA section 28(1) exemption is required for the purpose of safeguarding national security, must be conclusive evidence of that fact.

In the event of any appeal against the disclosure decision, the ACPO director of information must be informed immediately to issue further guidance. Throughout the above procedure, personal data should only be processed where absolutely necessary.

Examples of national security exemptions.

Crime and taxation

The police are allowed to withhold personal data sought under subject access where disclosure would be likely to prejudice the prevention or detection of crime, apprehension or prosecution of offenders.

When an applicant has requested access to information that is still part of an ongoing police investigation or criminal investigation into alleged criminal activity, it is recommended that the practitioner contacts the officer in charge and/or the Crown Prosecution Service (CPS) to advise of the subject access request and discuss the degree of prejudice and engaging the exemption. In cases where the personal data has been released to the requestor through disclosure under the Criminal Procedure and Investigations Act 1996 or any rule of law, it is unlikely that the exemption would apply.

Further information
DPA section 29(1)

Information Commissioner's Office guidance on using the crime and taxation exemptions

Where a case has been no further actioned or undetected, consideration should be given to the likelihood of the case being reopened, and the potential for prejudice to proceedings through a disclosure under subject access.

Examples of crime and taxation exemptions.

Health, education and social work

An exemption can be applied [The Data Protection (Subject Access Modification) (Health) Order 2000] to personal data if disclosure is likely to cause serious harm to the physical or mental health of the applicant or another individual. This exemption cannot be applied where the personal data is already known to the data subject.

Further information
DPA section 30

Before deciding if this exemption applies, forces must consult the health professional responsible for the clinical care of the requestor or, if there is more than one, the most suitable available health professional. Forces should record any refusal by the health professional to engage in the process(es).

An exemption can also be applied where a third party is making the request on behalf of the requestor, and the requestor does not wish that information to be disclosed to the third party.

In view of the sensitivity of personal data relating to a requestor's health, forces may wish to ensure that it is disclosed directly from the health professional to the requestor. Alternatively, it could be given to those handling the subject access request in a sealed envelope for onward transmission to the applicant.

An exemption under The Data Protection (Subject Access Modification) (Health) Order 2000 could be considered where disclosure could cause serious harm to the physical or mental health of an individual.

Forces must be cautious when an applicant requests access to:

- their personal data without knowing the full scale of the information held – practitioners must assess the impact of the disclosure on the mental health of the applicant and liaise as necessary with medical practitioners
- injury photos or CCTV of an assault where the applicant was a victim – practitioners should discuss the impact with the officer in charge and medical practitioners, if necessary.

Examples of health, safety and social work exemptions.

Regulatory activity

Forces can withhold personal data sought under subject access where disclosure would prejudice regulatory activity conducted by the force, eg, internal investigations into dishonesty, malpractice or other serious improper conduct by police officers and special constables.

Example of regulatory activity exemption.

Further information
DPA section 31(2)

DPA section 31(3)

Manual data held by public authorities

Category (e) data (any other data recorded by a public authority) is exempt from subject access if it is held in an unstructured manual file and relates to appointments, removals, pay, discipline, or other personnel matters in relation to service in any office or employment

Further information

under the Crown or under any public authority.

DPA section 33A(2)

If a subject access request is received for category (e) data, the practitioner should consider:

- if the applicant has specified or given a description of the data
- if the FOI fees regulations can be applied
- if the request for personnel information will engage section 33A.

Appropriate fees limit (unstructured personal data)

If the estimated cost of complying with a subject access request would exceed the appropriate fee limit, an exemption may apply. This is currently set at £450 or a total of 18 hours' work. The exemption does not cover the need to inform the requestor whether their personal data is being processed unless to do so alone would exceed the appropriate fees limit.

Further information
DPA section 9A

Example of appropriate fees limit exemption.

Miscellaneous exemptions

Within DPA Schedule 7 there are a number of exemptions which could apply to a SAR. These include:

- confidential references given by a force in relation to education, employment or provision of services
- personal data consisting of records of the data controller's intentions in relation to negotiations with the data subject
- personal data in respect of which legal professional privilege could be claimed. Legal opinion provided by the CPS may not be covered by this exemption.

Further information
DPA exemptions

ICO Code of Practice on Subject Access – Exemptions

Examples of miscellaneous exemptions.

Responding to requests

When a request has been received and processed, forces must reply to the requestor within 40 calendar days, even if the force does not hold the personal data or relies on an exemption. The transmission must be via secure means and forces must take appropriate measures that reflect the sensitivity of the information being disclosed. Where the 40-day statutory period cannot be met, forces should contact the requestor to advise them of the delay.

Further information

Subject access request no template letter

Subject access request yes template letter

Subject access request dissatisfied requestor

All personal data provided must be in permanent form, and be legible to the requestor. If it cannot be fully transcribed into an intelligible format, an explanation must be given.

Generally, responses to requestors will either be full/partial disclosures or all exempt/nothing held.

Full/partial (eg, some exempt) disclosure – from the personal details supplied in the request, forces must enclose the information the chief officer is required to supply under the provisions of the DPA.

All exempt/nothing held – from the personal details supplied in the request, there is no information the chief officer is required to supply to the requestor under the provisions of the DPA.

All responses should be sent directly to the applicant's home address, unless otherwise requested by the applicant.

Information other than personal data

Where forces retrieve personal data for disclosure to a subject access requestor, that personal data may also include information that is not the requestor's personal data. This other information may be disclosed to the requestor. Forces must recognise that this represents a provision of information beyond that required by the DPA. Forces should consider including a disclaimer.

Fast track

Forces should only fast track requests in exceptional circumstances. For example, for the requester to attend a funeral, where delay may cause the requestor significant financial loss, in the event of a short-notice employment offer, or where the force considers the requestor to have an exceptional and genuine reason through no fault of their own.

Miscellaneous

Criminal Procedure and Investigations Act 1996

Where a subject access request results in the disclosure of copies of intelligence, crime files or prosecution files, forces should ensure that a record of or reference to that disclosure is available with the original documentation.

Retention and deletion

Information generated by a subject access request should only be retained for as long as is necessary (national retention schedule). Where circumstances suggest a longer retention, forces should consider whether the:

- force's handling of the request has been, or is likely to be, subject to complaint
- request is high profile in nature
- request involved the use of unusual exemptions.

Enforced subject access

The DPA section 56 makes it an offence for a third party to require an individual to use subject access where the information sought is required by the third party in connection with employment purposes or the provision of services, and where the information would reveal prior conviction or caution details.

Updating force records from subject access requests

Where forces receive subject access requests from persons of interest to them for a policing purpose, they should consider, on a case-by-case basis, using information contained in the request to update or augment existing records or to create new records in accordance with national standards. For example, a new address, telephone number or bank details will be useful for updating intelligence records.

Updates to the PNC will be carried out by ACRO following a subject access application.

Multiple/duplicate previous subject access request

At times a force may receive a subject access request from an individual who has made a previous subject access request. Forces should have procedures to identify multiple or duplicate subject access requests. Forces should consider:

1. Is the subject access request a multiple/duplicate previous subject access request?
2. Is the subject access request an entirely new request?

If the SAR is a duplicate request, forces should return the fee. The force is obliged to provide only a single, intelligible and permanent copy of an applicant's personal data. The reply should provide the reference number, received and responded to dates of the original SAR and a list of the personal data provided. If additions or amendments have been made since the original SAR, the relevant data should be considered for release. Fees for providing any additional copies are outlined in NPCC (2015) National Policing Guidelines on Charging for Police Services.

If the request is for access to personal data processed since the previous application, this should be treated as a new subject access request rather than as a continuance of the original subject access request. Only information that has been obtained or amended since the initial disclosure needs to be considered for disclosure in this second request.

Subject access requests from members of staff

Subject access requests may be received from existing or ex-members of staff requesting access to information in relation to a grievance, employment tribunal or personal injury claim. The applicant might be seeking to access their personnel file or other personal data.

An existing member of staff could be referred to the appropriate department, for example, HR or legal services. However, if the applicant is adamant that they want to submit a subject access request then it should be processed accordingly.

Once a formal subject access request has been received from either an existing or ex-member of staff, the force must ensure that the applicant is afforded the same rights as any other applicant.

Forces should ensure that disclosure is completed even if released previously under other legislation or processes.

Requests for additional information

After completing a subject access request, the applicant may contact the force to make a request to access additional personal data. The time period and the waiver of an additional fee will be at the discretion of the force.

Additional subject access requests should be received within a reasonable time period, for example, six to eight weeks after the force has closed the initial request. No additional payment would be required.

The additional request is not considered to be part of the original request and, therefore, is not subject to the same statutory deadlines. However, the practitioner should respond to these in a reasonable and timely manner to avoid delay.

An additional subject access request does not include a request to access personal data that has been created or obtained by the force since the date of the original request. It would be reasonable for the practitioner to consider advising the data subject that they will need to make a further subject access request and pay an additional fee.

Failed job applicants

An individual who has applied to join the force or has failed the vetting process and is not permitted on site may make a subject access request to find out why. Forces may need to redact disclosures or apply exemptions. The DPO should work with the appropriate departments to provide the correct response.

If references have been provided by an external organisation, the force will need to obtain either consent or objections to disclosure. If objections are raised, these will need to be considered under any exemptions. When contacting the organisation a copy of the reference, consent/objections form, self-addressed envelope and date to respond by needs to be included. The organisation should be informed that if a response is not received by that date then the assumption is that there are no objections.

Joint applications

If a request is received from an individual who requests access to information about them and another (eg, partner) the practitioner shall advise the applicant whether it is appropriate to gain access to personal data under DPA section 35(2) or DPA section 7. The practitioner should advise the applicant of the constraints around the release of third-party material unless consent is forthcoming concerning the other party.

A parent may make a request on behalf of their child. If it is not clear on the application, the DPO should contact the applicant to discuss the child's age and mental capacity to establish if they can make their own request. Children older than 12 with no learning difficulties or mental health difficulties need to make their own subject access requests.

The DPO should also establish parental responsibility using a birth certificate, adoption form or other legal document.

Non-specific applications

Applications that request access to all the information held or applicant's records are unlikely to be valid requests under the DPA section 7. Forces should seek more detail to identify how, where and possibly when the applicant would have come into contact with the force. If no further information is forthcoming from the applicant, forces may wish to consider searching:

- PNC
- crime system
- custody system
- CAD, events, incident systems
- domestic abuse systems
- family protection systems
- complaints systems
- stop and search records.

ANPR

There are a number of considerations to be made when a suspect access request is received.

- How can the practitioner be confident that on any ANPR hit the registered owner is the driver at that time?
- Were there any ANPR hits by covert cameras?
- Will releasing the information prejudice any ongoing policing operation involving the vehicle or applicant?

Further information

ICO guide to data protection – ANPR
Home Office (2013) Surveillance Camera Code of Practice

The applicant will need to provide photo ID as part of their application for comparing with the ANPR photo. The ANPR photo can be compared with the photo ID. Once a positive comparison is made, forces can consider and disclose it under DPA section 7.

The ANPR back office facility (BOF) will record the camera upon which the hit was made. The department responsible for ANPR should identify if it was covert or not. If it was covert and disclosure would prejudice an ongoing police operation, forces need to consider applying exemption the section 29(1) exemption. If the applicant was hit by a covert camera but was not part of an operation, disclosure would not prejudice the operation.

Further information

Information Commissioner's Office guidance on using the crime and taxation exemptions

If the force intelligence bureau believes that disclosure would prejudice an ongoing police operation, consideration needs to be given to applying exemption section 29(1).

Prior to any disclosure, the practitioner could consider extracting the personal data from the BOF into a separate document, rather than providing a print direct from the BOF.

Fee waiving

There is no obligation for a force to waive the £10 fee levied under DPA section 7. Forces should consider when fees can be waived. This may be when the application has been misplaced by the constabulary or if information is provided under DPA section 7 as part of a complaint.

CCTV

When personal data from CCTV systems is requested and the footage relates solely to the applicant, supplying it is relatively straightforward. Where the footage contains images of other parties, forces can often be faced with the technicalities, resource implications and costs of redacting such third-party images. As a consequence, forces have tended to rely on disproportionate effort exemptions to avoid these issues.

Further information

ICO guide to data protection – CCTV
Home Office (2013) Surveillance Camera Code of Practice

This exemption should only be applied in the most exceptional of cases. Where it is unduly onerous to edit, blur or redact third-party images before supplying the data, forces should encourage the applicant to attend the police station to view the footage. Officers should make efforts to physically cover the screen to protect any detrimental third-party disclosure. Where this is not possible, a careful case-by-case assessment should be made to determine how unfair the intrusion is into the privacy of the other parties.

Forces should be mindful that if they edit/pixelate footage for viewing, it will difficult to later rely on DPA section 8(2)(a) to prevent release of a permanent copy to the applicant as, to a certain extent, the costs, resources and time taken to blur the third parties may have already been expended.

Undetected crime reports

When receiving requests for access to crime reports, forces should consider whether the crime is under investigation or could be reopened.

It is recommended that the practitioner considers applying the DPA section 29(1) exemption to withhold specify detailed reasons why charges are not brought or the case has been no further actioned.

Further information

Information Commissioner's Office guidance on using the crime and taxation exemptions

Right to prevent processing likely to cause damage or distress

An individual has a right to require that a force does not process their personal data in a manner that causes or is likely to cause unwarranted substantial damage or substantial distress to themselves or another person. This is known as a data subject notice or section 10 notice. Forces must issue a response to such a notice within 21 calendar days.

The processing may be legitimate under DPA section 10(2)(a), where any of the conditions in DPA paragraphs 1 to 4 of Schedule 2 are met.

Further information

ICO guidance on preventing processing likely to cause damage or distress

DPA section 10

The condition most likely to apply to the police is paragraph 3 of Schedule 2. The processing is necessary for compliance with any legal obligation to which the data controller is subject. This applies to policing information that is still required in order to allow chief officers to carry out their statutory obligations.

This right to serve a data subject notice applies whether the individual objects to the processing taking place at all, or whether the objection relates specifically to processing for a particular purpose or in a particular way.

Preventing direct marketing

Subject to certain exemptions, an individual has the absolute right to request in writing that a police force stops within a reasonable time, or does not start, using their personal data for direct marketing purposes. This includes the communication by any means (eg, mail, email, telephone, door-to-door canvassing) of any advertising or marketing material directed at particular individuals. Forces must issue a response to such a request within 21 calendar days.

Further information

ICO guidance on marketing

DPA section 11

The DPO should have regard to this right as there will be circumstances where it can apply in the policing context, eg, crime prevention advice and services and staff offers.

In the unlikely event that such a request is received, it will be forwarded as soon as possible upon receipt to the DPO to coordinate the response.

Automated decision taking

Subject to certain exemptions, an individual has the right to require that a force ensures no decision that would significantly affect them is taken by the force or on its behalf purely using automated decision-making software. The right must be exercised in writing. If there is a human element involved in the decision making, the right does not apply. A response must be issued within 21 calendar days.

Automated decision taking may include:

- issuing a court summons to a person recorded as a vehicle keeper with the DVLA, on the basis of a safety camera reading without any further investigation or intervention
- filtering job applicants using psychometric testing scores without any subsequent human analysis.

The DPA provides for the exemption from such provisions of certain decisions reached in this way. These are called exempt decisions.

Further information

ICO guidance on automated decision taking

DPA section 12

Compensation

Any claim for compensation arising from this provision will be forwarded to the force's legal services department (or equivalent).

Examples of breaches that have led to compensation claims.

Further information

DPA section 13

Correcting inaccurate personal data

A data subject has the right to seek a court order for the rectification, blocking, erasure or destruction of inaccurate personal data processed by a force.

On initial application by the data subject to correct inaccurate data, and before any approach to a court for such an order, the force should proactively address any issues identified for which there are justifiable grounds for correction.

Further information

ICO guidance on correcting inaccurate personal data

DPA section 14

Requesting an assessment from the Information Commissioner

A person can request the Information Commissioner to make an assessment, if they believe that they are affected by the processing of personal data by a force. Requests could lead to the Information Commissioner serving enforcement notices, information notices, and special information notices on forces.

Further information

DPA section 42

Complaints and resolutions

The DPO must coordinate the response to complaints and disputes regarding force processing of personal data. The following should be considered:

- complaints should be made in writing to the DPO as the initial point of contact
- forces should offer the complainant assistance in writing the letter

- the DPO should ensure that the identity of the complainant is valid
- the DPO should ensure that a formal process is in place with the professional standards department and other relevant departments in order to establish who will handle the dispute
- data subject rights.

Where the complaint relates to:

- personal data owned by another force or organisation – the dispute should be directed to that force or organisation's DPO
- information released as part of a Disclosure and Barring Service (DBS) enquiry – the complainant should be directed to the DBS complaints procedure
- allegations of arrest/conviction information – consideration should be given to taking elimination fingerprints to prove/disprove whether the complainant was the person originally arrested/convicted
- historic information held on the PNC – the person handling the dispute should consider requesting microfiche, where available, from ACRO
- personal data processed on an information system – the matter should be referred to the information asset owner.

The DPO must attempt to identify any complaint patterns and trends that may indicate that remedial action is required – for example, the provision of further training, guidance or audit.

A DPO must have a process in place for managing subject access appeals and complaints. The process(es) may take the form of an internal review procedure, followed by referral to the Information Commissioner.

Principle 7 – security and protective measures

Forces must take technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Responsibility for information security issues rests with force security boards or equivalent, and day-to-day responsibility normally lies with the force information security officer (ISO). However, DPOs have a responsibility to advise on the legal requirements and must be consulted on matters relating to personal data.

The seventh principle places obligations upon forces that use data processors to carry out tasks on their behalf involving the use of personal data. Forces must choose a data processor that provides sufficient guarantees (technical and organisational security measures). Forces must ensure that the:

- processing by the data processor is carried out under a contract (known as a data processing contract) whereby the data processor is to act only on instructions from the force
- data processing contract requires the data processor to comply with obligations equivalent to those imposed on the chief officer by the seventh data protection principle
- data processor notifies the Information Commissioner, where necessary.

Further information
DPA exemptions

ACPO/ACPOS (2012) National Vetting Policy for the Police Community

International Organisation for Standardisation/International Electrotechnical Commission 27001: 2005

DPA Schedule 1 Part 2 section 9

ICO guidance on information security (Principle 7)

Data processing contract

Forces must ensure that data processing contracts are developed where required. Data processing contracts will specify what the data processor is and is not permitted to do and will usually cover some/or all of the following:

- collection
- use and disclosure
- security
- staff training
- vetting of staff
- confidentiality agreements
- weeding/retention/disposal
- subject access and freedom of information provisions
- audit/inspection of data processor by the force
- indemnity.

Further information
Baseline security requirements for data processing contracts

Undertaking of confidentiality

The DPOs will provide advice and guidance to the force in choosing data processors. The DPO will liaise with contracts and supplies departments to identify occasions where procurement contracts involve access to police information assets or premises in order to ensure appropriate terms and conditions are included in the contract. Many contracts require bespoke terms and conditions.

Where forces identify that a data processor is carrying out similar processing for other forces, they must inform the data protection portfolio group. If it processes personal data outside the EEA, the eighth principle will apply.

Forces should ensure that there are monitoring arrangements in place during the life of the contract and on its conclusion a review to ensure that the terms and conditions have been met. This will include arrangements for any breach of the contract, such as data breaches.

Data protection/information system operating rules

Information asset owners must document how information systems containing personal data under their responsibility will be operated in accordance with the DPA. Data protection operating rules or information system operating rules will set out standards, policies and procedures to ensure that fair and lawful processing, disclosure, data quality review, retention and disposal, training, security – as required by the principle – are appropriately dealt with.

Forces must prioritise the review, or creation of data protection/information system operating rules for those information systems containing the most sensitive and operationally impactive information and personal data.

Once completed, the data protection/information system operating rules will be made available to the DPO and all users of the information system, as part of their system training.

Data protection/information system operating rules should be:

- developed in accordance with the DPA principles by those responsible for developing RMADSs for those systems
- closely related to security operating procedures (SyOPs) – SyOPs provide the rules by which information systems and services must be operated.

Security of personal data in decommissioned police premises

DPOs will need to ensure that where a force vacates premises, appropriate measures are in place to manage the disposal or removal of personal data and other information assets, whether in digital or hard copy. The measures should form part of the overall decommissioning process(es) and should involve:

Further information

Cloud computing

- removing all IT equipment to secure premises and, where necessary, overwriting digital data in accordance with relevant information assurance standards and policy

- removing all documents, posters, signs and, where necessary, transferring them securely or disposing of them in accordance with relevant information assurance standards and policy
- a police search adviser (PolSA) to ensure that no personal data or information assets remain at the premises being decommissioned.

Principle 8 – transfer outside the European Economic Area

Personal data must not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects, in relation to processing their personal data.

Forces may transfer personal data to UK government facilities such as embassies or consulates – these are considered to be UK territory and, therefore, are not transfers beyond the EEA.

The DPO should have regard to this principle as there will be circumstances where it can apply in forces, eg, where third parties are used to process data outside the EEA or individuals on overseas enquiries.

Schedule 4 of the DPA sets out a list of circumstances where the eighth principle does not apply. These exemptions cover instances where forces are likely to transfer personal data beyond the EEA. In addition, DPA section 28 provides an exemption from the eighth principle where the application of the exemption is necessary to safeguard national security. The eighth principle is unlikely to present a barrier to operational policing. When considering transfers or personal data outside the EEA, forces should adopt a four-stage response:

- Stage 1 – ensure the other seven principles are being complied with before moving onto stage 2.
- Stage 2 – identify whether a Schedule 4 condition applies – where it does not apply, forces should move to stage 3. Where it does apply then DPA Principle 8 does not need to be considered.
- Stage 3 – ensure that the EEA and the circumstances surrounding the transfer provide the data an adequate level of protection – where adequacy is satisfied the transfer is not precluded by the eighth principle, where it is not then forces should move to stage 4.
- Stage 4 – consider whether contractual conditions can be applied to the transfer in order to help safeguard the personal data – where contractual conditions can be made, the transfer is not precluded by the eighth principle.

Further information

ICO guidance on transfer outside the European Economic Area

Data Protection Act 1998 (DPA) – Compliance Standard for International Data Processing Standard Operating Procedures (SOPS)

DPA Schedule 1 Part 2 section 13

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Operation Herne

23. Following the impressive work of *The Guardian* in revealing these practices, on 5 February 2013 we called DAC Gallan to give oral evidence to explain how the Metropolitan Police would deal with the situation. We were concerned to note initial confusion within the Metropolitan Police as to who holds responsibility for this issue.

24. The Metropolitan Police is conducting a review and investigation of the use of undercover officers by the former MPS Special Demonstration Squad. This review is known as Operation Herne. The Operation was launched in October 2011 and has so far cost £1.25m, including the cost of 20 officers plus 11 staff working on the operation. However, no disciplinary proceedings or arrests have yet been made. When we put it to DAC Gallan that this was a large public expenditure with little to show in terms of results, she said that the number of files being reviewed was immense and in various formats, from written documents to computer files.[27] We heard similar explanations in the early stages of the police inquiries into phone hacking, which were overcome by the crucial intervention of DAC Sue Akers. Similar decisive leadership will be needed to deal with this investigation.

25. The Independent Police Complaints Commission opted for a "supervised investigation" mode of inquiry, which means that its involvement is limited to setting the terms of reference and receiving the investigation report when it is complete. Control of the review has, for the majority of the investigation, been in the hands of the Metropolitan Police itself, but two days after our oral evidence session on 5 February Commissioner Sir Bernard Hogan-Howe confirmed that the leadership of Operation Herne would be transferred from DAC Gallan to Chief Constable Mick Creedon (of Derbyshire Police), because he believed that public confidence would best be preserved by appointing an independent chief constable. We note that senior leaders were aware of these issues for several months before the change in leadership. It is important that in future objectivity is ensured from the outset and not only when an operation comes under scrutiny.

26. **For the sake of families whose dead infants' identities may have been used as legends, it is imperative that Operation Herne is expedited with all possible haste. It is shocking that the practice of using deceased infants' names was apparently a surprise to senior officers and it is vital that the investigation establish quickly how high up the chain of command this practice was sanctioned. Once the identity of the senior responsible leaders has been established, the matter should be referred directly to the IPCC, which should then investigate the matter itself, rather than sign off on a "supervised" inquiry.**

27. **DAC Gallan told us that she first knew of the use of dead children's identities in September 2012, but the parents of that dead child have still not been informed. We cannot understand what is taking so long. Families need to hear the truth and they must receive an apology. Once families have been identified they should be notified immediately. We would expect the investigation to be concluded by the end of 2013 at the latest. Although we welcome the transfer of responsibility for the Operation to a leader from outside the Metropolitan Police, we are concerned that the appointment of a serving chief constable may not be conducive to a swift conclusion. We have written to Chief Constable Creedon for clarity about how much of his time he will be able to commit to this important work. Responsibility for this matter has already passed from the MPS to local forces, from DAC Gallan to chief constable Creedon and, we trust, from ACPO to the College. Without a clear line of accountability, the risks of malpractice are multiplied. We will return to the question of leadership of internal inquiries and undercover policing standards in our work on leadership and standards in the police.**

28. **We reiterate that in this kind of serious standards case the IPCC ought to run an independent investigation. This would be in keeping with the Home Secretary's statement to the House on 12 February 2013 that the IPCC would investigate all serious and sensitive allegations, in line with our recommendations. Funds for such an investigation should be provided by the professional standards department of the Metropolitan Police. In lieu of that independence, we will be asking to be updated on the progress of Operation Herne every three months. This must include the number and nature of files still to review, costs, staffing, disciplinary proceedings, arrests made, and each time a family is identified and informed. We will publish this information on our website.**

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First Documentation of In Vivo and In Vitro Ivermectin Resistance in *Sarcoptes scabiei*

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Abstract

Ivermectin is increasingly being used to treat scabies, especially crusted (Norwegian) scabies. However, treatment failures, recrudescence, and reinfection can occur, even after multiple doses. Ivermectin resistance has been documented for some intestinal helminths in animals with intensive ivermectin exposure. Ivermectin resistance has also been induced in arthropods in laboratory experiments but, to date, has not been documented among arthropods in nature. We report clinical and in vitro evidence of ivermectin resistance in 2 patients with multiple recurrences of crusted scabies who had previously received 30 and 58 doses of ivermectin over 4 and 4.5 years, respectively. As predicted, ivermectin resistance in scabies mites can develop after intensive ivermectin use.

Topic: arthropods, ivermectin, sarcoptes scabiei, scabies, mites, crusted scabies
Issue Section: Major Articles

Ivermectin is increasingly being used to treat scabies, especially in those with hyperinfestation (crusted or Norwegian scabies) [1, 2]. Scabies is endemic in many remote Aboriginal communities in the Northern Territory of Australia, and a minority of patients develop crusted scabies. Unlike in most reports of crusted scabies, the cases we treat in these communities often involve no overt immunosuppression, and the reason that this select cohort develops hyperinfestation remains unclear [3]. We have been using ivermectin since 1992 to treat >50 patients with crusted scabies. However, treatment failure or early recrudescence is common after single-dose ivermectin, and multiple doses have usually been required to achieve a cure [3]. With adequate treatment, there is excellent clinical response, with crusts fully resolved and normal skin or residual patchy depigmentation. Nevertheless, exposure of these susceptible individuals to scabies in their communities continues, and recurrent crusted scabies several months to a year after initial cure is common [4]. By means of genotyping of *Sarcoptes scabiei* mites from patients with repeated infestations, we found that, although the majority of recurrent scabies are probably the result of reinfestation from inadequately treated contacts, there was evidence that, in cases of severe crusted scabies, even treatment with 3 doses of ivermectin administered 14 days apart may be inadequate to prevent relapse [5]. We therefore increased the ivermectin regimen for patients with severe crusted scabies to 5 doses (each 200 μg/kg) administered on treatment days 1, 2, 15, 16, and 29, on the basis of a protocol for strongyloidiasis complicating AIDS [6].

By use of a simple in vitro assay to assess the survival of scabies mites on petri dishes coated with various acaricides, we previously found no evidence of decreased ivermectin sensitivity in mites obtained from patients who were administered multiple courses of ivermectin [7], including 1 patient who had had received >50 doses. However, we now report 2 patients with recurrent severe crusted scabies who developed in vivo and in vitro resistance to ivermectin after receiving multiple ivermectin doses.

Materials and Methods

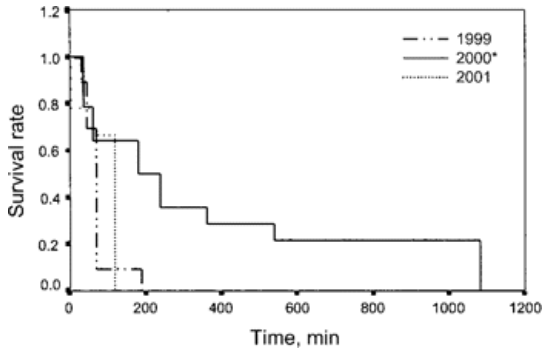
Larvae, nymphal instars, and adult *S. scabiei* were separated from skin scrapings obtained from patients with crusted scabies before and during treatment. Ovicidal activity was not measured. To circumvent differences in survival ability, all mites were tested within 3 h of being obtained, as described elsewhere [7]. The determination of sensitivity to ivermectin of mite populations was assessed at a concentration of 100 μg/g of ivermectin (Equimec Paste; Merial Australia) diluted in Emulsifying Ointment British Pharmacopoeia 88 (BP88) (Sigma Pharmaceuticals). In earlier studies in our laboratory, we had established 100 μg/g as the ivermectin concentration for in vitro testing, which was adapted from the in vitro acaricidal experiments of Brimer et al. [8]. At a concentration of 100 μg/g ivermectin, we demonstrated a mean *S. scabiei* mite killing time of 60 min [7]. Approximately 0.1 g of the test product was applied in a thin layer with cotton swabs to the bottom, top, and sides of 36-mm petri dishes. BP88-coated petri dishes were used as controls. Determination of mite survival after placement on the petri dishes was as described elsewhere [7].

Results were analyzed by use of a log-rank test for survival (SPSS software, version 10.0.5; SPSS). The study was approved by the Human Research Ethics Committee of the Northern Territory Department of Health and Community Services and Menzies School of Health Research.

Results

Case report 1. A 36-year-old Aboriginal woman from a remote coastal community in the tropical Top End of the Northern Territory of Australia sought care in January 2000 for severe crusted scabies involving hands and feet, thighs, trunk, and buttocks. She had a history of recurrent crusted scabies since 1992. The results of multiple immunological investigations, including serological testing for HIV and human T cell leukemia virus 1 (HTLV-1), were negative, and T cell subsets were normal. Since 1995, the patient had received 30 doses of ivermectin, 17 of which were administered during 1999, including 2 doses that were administered in December 1999. A further course of therapy with ivermectin together with topical 5% permethrin cream and topical keratolytic therapy with 10% urea and 5% lactic acid in sorbolene cream was initiated. Live *S. scabiei* mites from skin scrapings were seen microscopically up to day 26 after commencement of ivermectin therapy, by which time in vitro testing had shown decreased sensitivity of mites, with some mites alive 9 h after in vitro exposure to ivermectin at a concentration of 100 μg/g (figure 1). Because no in vitro resistance to the other acaricides tested was observed, topical 5% permethrin cream was increased to treatment on alternate days, and the condition of the patient's skin steadily improved, with the first clear skin scrapings occurring on day 30 after initiation of therapy. Two months later, the patient had no evidence of scabies, but there was considerable depigmentation of her hands and feet. In April 2001, she again presented with crusted scabies, but in vitro testing showed no ivermectin resistance (figure 1), and she responded to 7 doses of ivermectin administered at a higher dose (21 mg per dose, at a concentration of 280 μg/kg) over a 28-day period with topical 25% benzyl benzoate and keratolytic therapy.

Figure 1

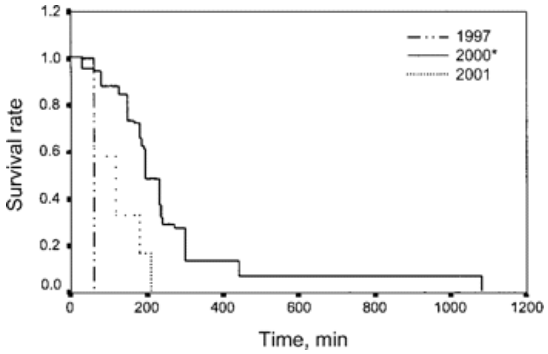


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Kaplan-Meier survival curves of scabies mites obtained from patient 1 in 1999 (n = 10), 2000 (n = 14), and 2001 (n = 9) after admissions to the hospital for treatment of crusted scabies. Mites were tested in petri dishes coated with ivermectin at a concentration of 100 µg/g. *P = .0048.

Case report 2. A 47-year-old Aboriginal man from a different remote Top End community presented in August 2000 with severe crusted scabies involving all limbs, buttocks, and lower back. Since 1996, he had received 58 doses of ivermectin for multiple episodes of recurrent crusted scabies. The results of multiple immunological investigations, including serological testing for HIV and HTLV-1, were negative, and T cell subsets were normal. The patient received seven 18-mg doses of ivermectin at a concentration of 270 µg/kg during the next 30 days, together with topical 5% permethrin cream alternating with topical keratolytic therapy with 10% urea and 5% lactic acid in sorbolene cream, and subsequently 12% salicylic acid in cetomacrogel cream. He also required intravenous antibiotics to treat secondary sepsis. Although there was gradual clinical improvement during a month of treatment, multiple live mites were still present on days 12, 19, and 26 after commencement of ivermectin therapy, and the patient had to leave the hospital for family reasons after receiving his seventh dose of ivermectin. The patient subsequently returned to the hospital 3 weeks after receiving his last dose of ivermectin, and the condition of his crusted scabies was clinically worse than at the time of discharge. There were numerous live mites still present. In vitro testing of mites obtained at admission showed some with prolonged survival, after exposure to ivermectin at a concentration of 100 µg/g (figure 2).

Figure 2



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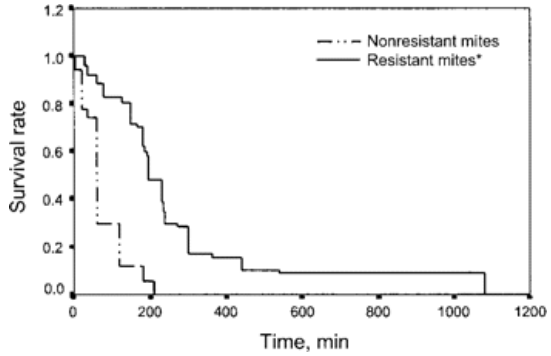
Kaplan-Meier survival curves of scabies mites obtained from patient 2 in 1997 (n = 7), 2000 (n = 63), and 2001 (n = 13) after admissions to the hospital for treatment of crusted scabies. Mites were tested in petri dishes coated with ivermectin at a concentration of 100 µg/g. *P < .00001.

Because of the failure of our standard topical therapy regimen and the apparent in vitro and in vivo ivermectin resistance, we commenced therapy with topical 25% benzyl benzoate with tea tree oil added (to make a 5% tea tree oil solution). The rationale for this was that benzyl benzoate and 5% tea tree oil were consistently the topical scabicides that killed scabies mites the quickest in our earlier in vitro studies [7]. The severe burning sensation that the patient felt for several minutes after application of the benzyl benzoate was controlled by inhalation of 50% nitrous oxide/50% oxygen mixture. He was administered 11 doses of the combination topical therapy over a 4-week period, as well as a further 7-dose course of ivermectin therapy (18 mg/dose), and the condition of his

skin rapidly improved. Skin scrapings obtained 10 days after this therapy was initiated showed only 2 of 100 mites to be alive, and at 20 days, no mites were present. At discharge, the patient had no clinical or microscopic evidence of scabies, although there was considerable depigmentation of his feet and lower legs. In May 2001, he again presented with crusted scabies, but in vitro testing showed no evidence of ivermectin resistance (figure 2). His illness responded to 6 doses of ivermectin administered over a 21-day period together with topical 25% benzyl benzoate/5% tea tree oil and topical keratolytics.

Figure 3 shows in vitro survival curves for ivermectin exposure for the mites obtained from patients 1 and 2 after their admissions in 2000 (at which time in vivo ivermectin resistance was present), compared with that for mites obtained from patients 1 and 2 at other admissions and that for mites from 3 other patients with crusted scabies.

Figure 3



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Kaplan-Meier survival curves of ivermectin-resistant scabies mites obtained from patients 1 and 2 in 2000 ($n = 77$), in comparison with nonivermectin-resistant mites obtained from patients 1 and 2 and from 3 other patients with crusted scabies ($n = 50$). *$P < .00001$.

Discussion

To our knowledge, this is the first report of in vivo or in vitro ivermectin resistance in *S. scabiei.* Ivermectin insensitivity or differential responsiveness has emerged as a major problem in a number of intestinal nematodes of goats, sheep, and cattle, with most cases being related to intensive ivermectin use over a period of several years [9, 10]. No ivermectin-resistant arthropod has previously been reported from any animal or human infestations or field situation [9, 10], although there are reports showing ivermectin resistance can be induced in the laboratory under intense drug exposure in the horn fly (*Haematobia irritans*) [11], fruit fly (*Drosophila melanogaster*) [12], and a species of tick (*Boophilus microplus*) [13].

The potential for development of ivermectin-resistant *S. scabiei* was a concern in treating our patients, who have required many doses of ivermectin for treatment of their recurrent crusted scabies [5, 7]. Unlike most patients previously documented with crusted scabies, our patients have not had a severe immunosuppressive illness and, therefore, have survived long enough to require an unprecedented number of ivermectin doses. The reason for the development of crusted scabies in our patients remains uncertain, although the possibility of a specific immune defect predisposing them to hyperinfestation with *S. scabiei* is currently being investigated. Genotyping studies [5] and the development of ordinary scabies in hospital staff who were infected from these patients with crusted scabies make differences in *S. scabiei* virulence an unlikely explanation.

The exact mechanisms of ivermectin action and resistance remain to be elucidated and appear to vary between organisms. Ivermectin inhibits signal transmission at the neuromuscular junction of some arthropods by stimulating release of the inhibitory neurotransmitter gamma-aminobutyric acid from presynaptic nerve terminals [2]. However, paralysis and death of invertebrate nerve and muscle cells has also been attributed to ivermectin binding to glutamate-gated chloride channels, resulting in increased chloride ion permeability and hyperpolarization [14]. Ivermectin is also believed to bind to and be transported by a P-glycoprotein membrane

transport protein [15]. These efflux pump proteins are thought to be involved in the multidrug-resistance phenotype seen in some human cancers, and mutations in the *Plasmodium falciparum* gene encoding the P-glycoprotein homologue have recently been shown to confer antimalarial drug resistance [16]. Alterations in P-glycoprotein gene structure and/or its transcription have been described in ivermectin-resistant sheep nematode parasites, *Haemonchus contortus* [15]. Another potential mechanism for ivermectin resistance is mutation in the glutamate-gated chloride channels that modulate ivermectin activity. There is also support for this mechanism from other studies with *H. contortus* [17] and from chemical mutagenesis studies in fruit flies [12]. It is therefore possible that, under intense drug selection pressure, mutations of scabies P-glycoprotein encoding genes and/or of the gene family encoding the glutamate-gated chloride channels may account for our cases of ivermectin resistance.

The presence of ivermectin-sensitive mites in the recurrences that our 2 patients experienced in 2001 suggests that the earlier ivermectin-resistant scabies infections were eradicated, but that our patients were reinfected from contacts after they returned to their communities. These 2 patients have had 74 and 91 doses of ivermectin, respectively. Attempts at prophylaxis against recurrent infection by giving monthly ivermectin doses have failed to prevent the infection in several individuals we have treated (unpublished results). We are currently assessing the administration of topical therapy with permethrin or benzyl benzoate once every 2 weeks as prophylaxis for high-risk individuals who have had recurrent crusted scabies. However, we are concerned about the possible emergence of resistance to these topical therapies with such a program. Although resistance of head lice *(Pediculus capitis)* to 1% permethrin has been widely reported [2, 18], there has to date been no documented clinical evidence of tolerance of scabies mites to 5% permethrin [19], although we reported evidence for increasing in vitro killing time [7]. Our in vitro testing also showed that 25% benzyl benzoate killed scabies mites more quickly than did 5% permethrin [7], but clinical resistance to benzyl benzoate has been suspected elsewhere [20]. Lindane (1% gamma benzene hexachloride) has been successfully used for many years in treating scabies [21], but in vivo and in vitro mite resistance to lindane has occasionally been documented [2, 22–24], and lindane has been withdrawn from sale in several countries, including Australia, because of well-documented but rare instances of neurotoxicity and aplastic anemia [25].

The rapid in vitro scabicidal action of 5% tea tree oil [7, 26] and its successful use in combination with benzyl benzoate in 1 of our patients warrants further study of this (and possibly other) combination topical therapies. We found that the combination of 5% tea tree oil in 25% benzyl benzoate killed scabies mites in vitro at least as quickly as benzyl benzoate alone (unpublished observation).

Initial recommendations for the use of ivermectin to treat crusted scabies were for a single dose at a concentration of 200 µg/kg, with a second dose administered 2 weeks later for refractory cases [1]. The importance of concomitant keratolytic therapy and topical scabicides to kill mites in the thick crusts has been emphasized [1, 2, 27, 28]. The difficulty in eradicating scabies mites in patients with particularly severe crusted scabies was supported by the presence of live mites in 1 patient 19 days after ivermectin therapy was initiated, despite a good (but incomplete) clinical response; in vitro testing showing no evidence of ivermectin resistance [28]. A recent comparative study concluded that, in treating cases of ordinary scabies, a single application of 5% permethrin cream was superior to a single 200 µg/kg dose of ivermectin [29]. It was suggested that ivermectin may not be ovicidal because of inadequate penetration of the thick eggshell, as well as possibly being ineffective against the younger stages of the parasite inside the egg because, at that point in the life cycle, the parasite's nervous system has not yet developed. This supports the rationale for a second dose of ivermectin to kill mites emerging from eggs after administration of the first dose. However, the timing of the second dose may be important: a study of experimental scabies challenge in pigs showed efficacy of ivermectin persisting for only 9 days after administration of a single dose [30]. Therefore, a weekly dosing interval may be superior to dosing every 2 weeks in treating cases of crusted scabies. The possibility of the use of doses exceeding 200 µg/kg has also been raised [27, 31].

In light of concerns that a 2-week dosing interval is inadequate, we have further modified our protocol for treating recurrent crusted scabies to a 5-dose regimen with doses of 200 µg/kg administered on days 1, 2, 8, 9,

and 15 of therapy, with an additional 2 doses on days 22 and 29 for the most severe cases. Further dosing and dose-interval studies are required in order to define optimal ivermectin regimens for treating crusted scabies of varying degrees of severity.

The emergence of ivermectin resistance in *S. scabiei* after intensive ivermectin use over a period of several years reflects the failure to control the current community epidemics of scabies in our region, with treated individuals often being reinfected from untreated contacts. There is now an even more urgent reason to focus on community-based prevention and control programs [4, 23].

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Conflict of interest. All authors: No conflict.

references

1 Meinking TL, Taplin D, Hermida JL, Pardo R, Kerdel FA. The treatment of scabies with ivermectin, *N Engl J Med* , 1995, vol. 333 (pg. 26-30)
Google Scholar CrossRef PubMed

2 Chosidow O. Scabies and pediculosis, *Lancet* , 2000, vol. 355 (pg. 819-26)
Google Scholar CrossRef PubMed

3 Huffam SE, Currie BJ. Ivermectin for *Sarcoptes scabiei* hyperinfestation, *Int J Infect Dis* , 1998, vol. 2 (pg. 152-4)
Google Scholar CrossRef PubMed

4 Currie BJ, Carapetis JR. Skin infections and infestations in Aboriginal communities in northern Australia, *Australas J Dermatol* , 2000, vol. 41 (pg. 139-43)
Google Scholar CrossRef PubMed

5 Walton SF, McBroom J, Mathews JD, Kemp DJ, Currie BJ. Crusted scabies: a molecular analysis of *Sarcoptes scabiei* variety *hominis* populations from patients with repeated infestations, *Clin Infect Dis* , 1999, vol. 29 (pg. 1226-30)
Google Scholar CrossRef PubMed

6 Torres J, Isturiz R, Murillo J, Guzman M, Contreras R. Efficacy of ivermectin in the treatment of *Strongyloidiasis* complicating AIDS, *Clin Infect Dis* , 1993, vol. 17 (pg. 900-2)
Google Scholar CrossRef PubMed

7 Walton SF, Myerscough MR, Currie BJ. Studies in vitro on the relative efficacy of current acaricides for *Sarcoptes scabiei* var *hominis*, *Trans R Soc Trop Med Hyg*, 2000, vol. 94 (pg. 92-6)
Google Scholar CrossRef PubMed

8 Brimer L, Bonlokke L, Pontoppidan C, Henriksen SA, Gyrd-Hansen N, Rasmussen F. A method for in vitro determination of the

acaricidal effect of ivermectin using *Sarcoptes scabiei* var *suis* as test organism, *Vet Parasitol* , 1995, vol. 59 (pg. 249-55)
Google Scholar CrossRef PubMed

9 Shoop WL. Ivermectin resistance, *Parasitol Today* , 1993, vol. 9 (pg. 154-9)
Google Scholar CrossRef PubMed

10 Sangster NC, Gill J. Pharmacology of anthelmintic resistance, *Parasitol Today* , 1999, vol. 15 (pg. 141-6)
Google Scholar CrossRef PubMed

11 Byford RL, Craig ME, DeRouen SM, et al. Influence of permethrin, diazinon and ivermectin treatments on insecticide resistance in the horn fly (Diptera: Muscidae), *Int J Parasitol* , 1999, vol. 29 (pg. 125-35)
Google Scholar CrossRef PubMed

12 Kane NS, Hirschberg B, Qian S, et al. Drug-resistant *Drosophila* indicate glutamate-gated chloride channels are targets for the antiparasitics nodulisporic acid and ivermectin, *Proc Natl Acad Sci USA* , 2000, vol. 97 (pg. 13949-54)
Google Scholar CrossRef PubMed

13 Benavides E, Romero A. Preliminary results of a larval resistance test to ivermectins using *Boophilus microplus* reference strains, *Ann N Y Acad Sci* , 2000, vol. 916 (pg. 610-2)
Google Scholar CrossRef PubMed

14 Burkhart CN. Ivermectin: an assessment of its pharmacology, microbiology and safety, *Vet Hum Toxicol* , 2000, vol. 42 (pg. 30-5)
Google Scholar PubMed

15 Xu M, Molento M, Blackhall W, Ribeiro P, Beech R, Prichard R. Ivermectin resistance in nematodes may be caused by alteration of P-glycoprotein homolog, *Mol Biochem Parasitol* , 1998, vol. 91 (pg. 327-35)
Google Scholar CrossRef PubMed

16 Reed MB, Saliba KJ, Caruana SR, Kirk K, Cowman AF. Pgh1 modulates sensitivity and resistance to multiple antimalarials in *Plasmodium falciparum*, *Nature* , 2000, vol. 403 (pg. 906-9)
Google Scholar CrossRef PubMed

17 Prichard R. Genetic variability following selection of *Haemonchus contortus* with anthelmintics, *Trends in Parasitology* , 2001, vol. 17 (pg. 445-53)
Google Scholar CrossRef PubMed

18 Downs AM, Stafford KA, Hunt LP, Ravenscroft JC, Coles GC. Widespread insecticide resistance in head lice to the over-the-counter pediculocides in England, and the emergence of carbaryl resistance, *Br J Dermatol* , 2002, vol. 146 (pg. 88-93)
Google Scholar CrossRef PubMed

19 Taplin D, Meinking T. Pyrethrins and pyrethroids in dermatology, *Arch Dermatol* , 1990, vol. 126 (pg. 213-21)
Google Scholar CrossRef PubMed

20 Yonkosky D, Ladia L, Gackenheimer L, Schultz M. Scabies in nursing homes: an eradication program with permethrin 5% cream, *J Am Acad Dermatol* , 1990, vol. 23 (pg. 1133-6)
Google Scholar CrossRef PubMed

21 Taplin D, Rivera A. A comparative trial of three treatment schedules for the eradication of scabies, *J Am Acad Dermatol* , 1983, vol. 9 (pg. 550-4)

Google Scholar CrossRef PubMed

22 Hernandez-Perez E. Resistance to antiscabietic drugs, *J Am Acad Dermatol* , 1983, vol. 8 (pg. 121-3)
Google Scholar CrossRef PubMed

23 Taplin D, Porcelain SL, Meinking TL, et al. Community control of scabies: a model based on use of permethrin cream, *Lancet* , 1991, vol. 337 (pg. 1016-8)
Google Scholar CrossRef PubMed

24 Fraser J. Permethrin: a Top End viewpoint and experience, *Med J Aust* , 1994, vol. 160 pg. 806
Google Scholar PubMed

25 Roos TC, Alam M, Roos S, Merk HF, Bickers DR. Pharmacotherapy of ectoparasitic infections, *Drugs* , 2001, vol. 61 (pg. 1067-88)
Google Scholar CrossRef PubMed

26 Walton SF, McKinnon M, Pizzutto S, Dougall A, Williams E, Currie BJ. Acaricidal activity of *Melaleuca alternifolia* (tea tree) oil: in vitro sensitivity of *sarcoptes scabiei* var *hominis* to terpinen-4-ol, *Arch Dermatol* , 2004, vol. 140 (pg. 563-6)
Google Scholar CrossRef PubMed

27 Taplin D, Meinking TL. Treatment of HIV-related scabies with emphasis on the efficacy of ivermectin, *Semin Cutan Med Surg* , 1997, vol. 16 (pg. 235-40)
Google Scholar CrossRef PubMed

28 Currie B, Huffam S, O'Brien D, Walton S. Ivermectin for scabies, *Lancet* , 1997, vol. 350 pg. 1551
Google Scholar CrossRef PubMed

29 Usha V, Gopalakrishnan Nair TV. A comparative study of oral ivermectin and topical permethrin cream in the treatment of scabies, *J Am Acad Dermatol* , 2000, vol. 42 (pg. 236-40)
Google Scholar CrossRef PubMed

30 Arends JJ, Skogerboe TL, Ritzhaupt LK. Persistent efficacy of doramectin and ivermectin against experimental infestations of *Sarcoptes scabiei* var. *suis* in swine, *Vet Parasitol* , 1999, vol. 82 (pg. 71-9)
Google Scholar CrossRef PubMed

31 Burkhart CG, Burkhart CN, Burkhart KM. An epidemiologic and therapeutic reassessment of scabies, *Cutis* , 2000, vol. 65 (pg. 233-40)
Google Scholar PubMed

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Operation Herne

Operation Trinity

Report 2 · Allegations of Peter Francis

Mick Creedon
Chief Constable Derbyshire Constabulary

Operation
Herne

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Foreword

On 14 March 2010, The Observer newspaper published a series of articles regarding the role of 'Officer A' within the Special Demonstration Squad (SDS). On 22 January 2011, The Guardian newspaper published what was the first in a series of articles that identified the source as a police officer identifying himself as Peter Black. On 23 June 2013 The Guardian disclosed that their source was Peter Francis. It is believed that Officer A, Peter Black and Peter Francis are the same person. On 24 June 2013, Peter Francis appeared on the Channel 4 Dispatches programme. On 25 June 2013, the book 'Undercover - The True Story of Britain's Secret Police' was released for sale. The media articles, the television programme and the book broadly reflect the following allegations:

- That SDS officers' engaged in sexual relationships whilst deployed.
- That the SDS used deceased children's identities in the creation of their covert identity.
- That the SDS targeted 'Black Justice Campaigns'.
- That SDS officers appeared at court in their covert identities.
- That SDS officers supplied intelligence to 'The Blacklist'.
- That SDS officers were tasked to gain information that might be used to 'smear' the Stephen Lawrence family.
- That Family Liaison Officers assigned to the Stephen Lawrence family reported intelligence to Special Branch.
- That SDS officers were tasked to gain information that might be used to 'smear' Duwayne Brooks.
- That he was prevented by senior officers from disclosing SDS involvement to the Macpherson Inquiry.

Following these allegations Operation Herne was tasked to complete a detailed and timely investigation into those claims. At the Commissioner's request priority was afforded to the allegations which related to the Stephen Lawrence family, Duwayne Brooks and any impact on the Macpherson Inquiry. Mark Ellison QC, carrying out work on behalf of the Home Secretary, was provided with unequivocal access to all relevant material identified. Operation Herne has compiled a detailed and confidential report that has been provided to the Commissioner.

The other allegations detailed above fall into the following categories:

- Ongoing criminal investigations subject to Crown Prosecution Service consideration, such as allegations of sexual relationships and Misconduct in a Public Office.

- Ongoing civil actions lodged by individuals who claim to have been involved in sexual relationships with undercover officers.
- The subject of previous Operation Herne reporting (Use of Deceased Children's identities).
- Ongoing enquiries to establish the scope of further investigation required. (Disclosure/Appearance at court in covert identities).

The above allegations and enquiries are subject of agreed Terms of Reference and will be the subject of future detailed reporting once the various judicial proceedings have been completed. In addition Operation Herne will examine the broader Metropolitan Police Service (MPS) organisational issues and learning relating to the SDS and report on these to the Commissioner.

This report has been necessarily abridged and redacted to ensure that potential risk and threat to a number of individuals is reduced and that tactics and operational activity are not compromised.

References are made throughout this report to undercover officers. It should be stressed that the MPS maintains a 'Neither Confirm Nor Deny' (NCND) principle as to whether any individual is or was an undercover officer. There is clear reason for this, which is to protect the individuals in question and the work of undercover officers in general.

Despite the public claims of Peter Francis, this report will not breach the principle of (NCND) and therefore will not confirm or deny if Peter Francis was ever an undercover police officer. To avoid placing any individual in danger this principle is paramount. To comment either way would raise clear inferences in other cases where no comment is made. This position is essential to ensure that danger and additional risk can be avoided.

The detail contained within this report is deliberately and specifically limited to the allegations made by Peter Francis and the report does not seek to fully address the wider covert policing implications including the supervision, management and executive oversight of the SDS between 1968 and 2008. At a later stage Operation Herne will provide further reporting in relation to how the unit was tasked, the relationships with other agencies and the nature, extent and justification of the covert infiltrations carried out over the 40 years. Operation Herne will also report on the intelligence collection and dissemination processes and the recruitment, training, actions and behaviours of the officers. Operation Herne continues to comprehensively investigate criminal and misconduct matters and a number of areas of SDS operation. It is acknowledged that further detailed reporting of these wide ranging and significant issues is necessary to identify culpability, fully address public confidence and ensure any organisational learning is identified and embraced.

Executive Summary

Allegation - Sexual relationships between SDS Undercover Officers and activists

On 14 March 2010, The Observer newspaper published a series of articles regarding the role of 'Officer A' within the SDS. It claimed that he had slept with two (2) members of his target group. It was alleged that whilst this was not sanctioned, such activity among SDS officers – both male and female – was tacitly accepted and in many cases was vital in maintaining an undercover role.

On 22 January 2011, The Guardian newspaper published an article that undercover police officers routinely adopted a tactic of promiscuity with the 'blessing' of senior commanders. The same article alleged that sex was used as a tool to help officers blend in, and was widely used as a technique to glean intelligence. The source stated that they knew of an undercover officer who married an activist he was supposed to be spying upon.

On 24 June 2013, Channel 4 broadcast the programme 'Dispatches - The Police's Dirty Secret'. In it a Mr Peter Francis said: 'that it was part of his persona, that he was the sort of person who had 'casual sex'.

He stated that he did not see any circumstance that long term relationships, especially the fathering of children can be condoned or allowed. He stated that he believed that 'the use of casual sex by undercover police maybe warranted in very exceptional circumstances.'

There are currently a number of civil actions lodged against the MPS by females alleging intimate relationships with undercover officers. Three (3) children are alleged to have been born as a result of these relationships. Operation Herne has contacted the solicitors concerned in order to speak to the claimants. Only one (1) evidential account has been provided. At this time the other remaining claimants have not engaged with Operation Herne.

No contact or complaint has been received from any individual claiming to have had a sexual relationship with Peter Francis.

Independent legal advice has been sought in respect of what offences, if any, have been committed in these circumstances. No offences contrary to the Sexual Offences Act are deemed to be complete although the behaviour could amount to Misconduct in a Public Office. There is no evidence at this time to suggest sexual relationships between undercover officers and activists were ever officially sanctioned by the SDS management.

This remains an ongoing criminal investigation and an advice file has been submitted to the CPS. A case disposal decision is yet to be made. This will be the subject of further detailed public reporting once the various judicial proceedings have been completed.

Allegation - Use of deceased children's identities

The practice of using deceased children's identities is confirmed as a tactic that was used by the SDS. The method is reflected in the SDS 'Tradecraft' document, and was recognised at the time to be the most appropriate means available to provide undercover officers with a 'legend'.

This has been reported in detail in a previous report published by Chief Constable Mick Creedon on 16 July 2013.

The Commissioner has publicly apologised for the distress the practice may have caused.

Allegation - The SDS targeted 'Black Justice Campaigns'

A source known as 'Officer A' claimed in The Observer in March 2010 that the SDS 'targeted black campaigns' that had been formed in response to deaths in police custody, police shootings and serious racial assaults. 'Officer A' also added that 'once the SDS got into an organisation it is effectively finished. This effectively made justice harder to obtain.'

Operation Herne has identified that undercover officers were tasked into groups across the political spectrum of the day to provide intelligence regarding potential public disorder. This included both the extremities of left and right wings, and animal rights groups. A tactic of 'entryism' was used by activists to promote their own political agendas. It was inevitable that undercover officers would find themselves reporting on these groups that would become embroiled with their target organisation.

There are occasions where undercover officers did provide material that would now be considered as 'personal information'. At that time, there was no relevant legislation to regulate such action as the concept of 'collateral intrusion' as defined

in current day legislation had not been defined. SDS undercover officers were not gathering evidence to support criminal investigations, but intelligence to prevent public disorder and criminality.

There is no evidence identified of any direct tasking into 'Black Justice Campaigns' directly associated with Stephen's murder. It is clear that in line with the strategic remit of the unit, the SDS sought to infiltrate and covertly report on a number of such groups/campaigns. It remains relevant and important to repeat that they were not gathering specific intelligence to support criminal investigations but were seeking to gain intelligence with a view to stopping violent protest or disorder.

Allegation - SDS officers appeared at court in covert identities without the knowledge of the court

On 19 October 2011, The Guardian reported that, '…if a police spy was in danger of being locked up, prosecutions of the officer and other activists would be mysteriously dropped.' The source for these articles was named as 'Peter Black' who was later identified by The Guardian as Peter Francis. Subsequent articles followed claiming that prosecutions were progressed in order to build undercover officer's credibility.

There are no allegations that Peter Francis appeared at court and gave evidence in any pseudonym.

Some SDS officers were arrested in their covert identities and subsequently attended court. One reason given was to maintain their cover. Documentation has been identified which supports the premise that SDS management were aware of the practice and should have been informed of these occasions.

SDS officers were authorised to engage in minor criminality in order to maintain their cover. Operation Herne sought legal advice in respect of what offences, if any, were committed by officers attending court in their false identities. The advice received was that as long as their identity was not subject to the charge and they did not lie under oath, no offences had been committed.

Despite the generic advice obtained, Operation Herne is proactively examining the individual cases that have been identified. The investigation will also identify the potential impact of this practice to establish if any matter requires referral to and consideration by the CPS.

Allegation - SDS supplied intelligence to ‘The Blacklist’

On 18 August 2013 in The Guardian, Peter Francis claimed that he gathered intelligence on Trade Union Activists and passed it to a ‘black listing agency’. He claimed that he provided information regarding two specific individuals and that their details subsequently appeared on the ‘list’.

The first notification received by the MPS into allegations of blacklisting stem from a complaint from Christian Khan Solicitors in November 2012. This was made on behalf of the Blacklist Support Group. They allege that the MPS, Special Branch (including SDS) were complicit in the supply of information to the Consulting Association and similar organisations. They asserted that this practice led to people being unable to obtain employment. The allegation was referred to the Independent Police Complaints Commission (IPCC) and initially they supervised the investigation. Between May and June 2013, they reviewed this decision and directed a local investigation, returning it to force to investigate.

The ‘Blacklist’ maintained at that time by a commercial enterprise known as The Consulting Association was a record of individuals believed to have disruptive or subversive stance that could adversely affect the workplace. There is no dispute that individuals named by Peter Francis appear on the ‘blacklist’. However, Peter Francis claims to have been deployed between 1993 and 1997. The Consulting Association record is dated from 1999, two (2) years after Peter Francis’ claimed deployment ceased.

There is no available evidence to suggest that SDS exchanged any information with either the Economic League or the Consulting Association. Twenty (20) test records have been highlighted by the Information Commissioner’s Office (ICO) as being the most likely to be the result of police information. These records have been investigated, revealing numerous alternative sources for information. A Special Branch officer stated in interview ‘The flow of information was purely one way’ the Economic League were a ‘conduit of information’ driven by their sense of ‘civic duty’. The Economic League was treated as a source of information. It was not Special Branch policy to pass information to them or any other external organisation. There is no evidence that any information regarding the two individuals was ever shared with the Consulting Association.

Allegation - SDS officers were tasked to gain information on the Stephen Lawrence family

In June 2013 during the Dispatches broadcast, Peter Francis claimed that he was tasked to 'smear' the Stephen Lawrence family campaign. He said, 'They wanted any intelligence that could have smeared the campaigns…so had I through my circles come up with something along the lines of they, the family were political activists, if someone in the family were involved in demonstrations, drug dealers, anything… There were rumours and conjecture that the family itself may have not been a loving caring home. That was passed on about the family that could have, may have been used if they were really desperate to try and smear the family…'

On 18 September 2013, Peter Francis appeared on Channel 4 News. He said that he wanted to clear up the 'ambiguity' around the term 'smearing'.

Peter Francis said, 'The word 'smear' if that implies at all anywhere in anyone's mind that would involve the word 'lying' that's what I would like to basically correct. Under no circumstances was my remit (to) lie about any of this so, when I go out, what I am basically looking for is any solid intelligence on the family… I was told expressly to look for any intelligence that could be used to undermine them.'

SDS undercover officers reported on protest/support groups surrounding the Stephen Lawrence Campaign. There is no documentary or verbal evidence that supports the allegation that any undercover officer was tasked or directed into the Stephen Lawrence family or its campaign. Peter Francis claims that he targeted Youth Against Racism in Europe (YRE) and Militant Labour. None of the intelligence records attributed to these groups contain reporting on Stephen Lawrence, the Lawrence family or the linked campaigns.

N81 was a undercover officer on the SDS at the relevant time. N81 was deployed into extreme left-wing groups associated with violent protest. Operation Herne has identified intelligence reports submitted during the time of the Macpherson Inquiry by N81. N81 has provided a statement and stated they were never tasked into the Stephen Lawrence family at any time, or asked, instructed or ordered to 'smear' the family or name of Stephen Lawrence or Duwayne Brooks. The intelligence indicates that these protest groups wanted to befriend the Stephen Lawrence family in order to promote their own agenda however this was not successful due to the shielding from Suresh Grover and lawyer Imran Khan, who wanted peaceful public support.

An SDS officer does make reference to N81 being tasked into the 'Stephen

Lawrence Inquiry' and that this tasking was separate from normal SDS meetings. This other officer, N72, was not part of the SDS at the time of Stephen's murder or the subsequent campaign. This account can only be treated as hearsay. This recollection is refuted by N81.

It is clear that attempts were made to influence the Stephen Lawrence Campaign by a number of violent protest groups purporting to offer support to the campaign. However these efforts were resisted by key advisors to the Stephen Lawrence family who sought to maintain the campaign as wholly peaceful. Operation Herne has been unable to find any evidence that SDS undercover officers were tasked to 'smear' the reputation of the Stephen Lawrence family. Both N10 and N81 stress that the intention and actions of the SDS were to indirectly support the Stephen Lawrence family. Former SDS undercover officers and Special Branch officers all maintain that it is inconceivable that undercover activity would be targeted against a murder victim's parents and family and that smearing 'was not what Special Branch was about.'

The information provided by N81 was disseminated outside Special Branch if relevant to potential public disorder. Ordinarily, the information would have been retained within Special Branch records. Records confirm that N81 reported personal information regarding Mr and Mrs Lawrence that may not have been more widely known. There is evidence to show that on this occasion, this information was disseminated to the SIO investigating Stephen's murder. The nature of the information was such that it would have been deemed relevant to the SIO conducting the investigation.

During the Macpherson Inquiry there was an accidental disclosure of an appendix containing witness details. As a result an officer from the Witness Protection Unit (WPU) was assigned by DAC Grieve to the Stephen Lawrence family. This officer's role was to assist and provide advice to Mr and Mrs Lawrence regarding their personal security and safety. Their assignment began on 23 September 1999. As a result, this officer had unequivocal access to both Neville and Doreen Lawrence and their family.

The officer maintained a log of advice and actions. These revolved around the security of the family and contained no anecdotal information. The officer was in the unique position of having detailed knowledge of the family. In an account provided to Operation Herne it was confirmed he was never approached by any member of the MPS or asked for personal information or rumour surrounding the Stephen Lawrence family.

Allegation - Family Liaison Officers (FLO) assigned to the Stephen Lawrence Family reported intelligence to Special Branch

Peter Francis alleged during the Dispatches broadcast 'The family liaison officer who was in Stephen Lawrence's house was taking all the details of all the family members who were there, all the visitors who actually gave their details. This was then passed to the area Special Branch, the area Special Branch then passed it through the Special Branch to the Special Demonstration Squad and we were asked to comment on these individuals whether or not in their words they were politicos or what, who, they were.'

Operation Herne identified that DS John Bevan and DC Linda Holden performed the role of 'victim liaison officers' to the Stephen Lawrence family for the first ten (10) days following the murder of Stephen Lawrence. The Macpherson Inquiry said that there were 'a large number of people who surrounded Mr and Mrs Lawrence in the very early days.' Both DS Bevan and DC Holden asked these visitors to 'identify themselves' and to say what organisation they represented. Both deny this allegation of passing any of this information back to Special Branch.

The role of 'family liaison officer' was in its infancy at this time. The current role of a FLO is a specialist investigative function and involves the day-to-day communication between the family and the investigation team. They gather evidence and information from the family in a sensitive manner. It is recognised now, nationally, that the primary role of the FLO is 'an investigator'. It is known that the officers allocated to the Stephen Lawrence family recorded names of visitors, in accordance with their role. All available SDS records to date have been searched for references to the officers against a list of names supplied by Mark Ellison QC. No trace has been found of the names within SDS reporting.

Operation Fishpool (the operation name of the Stephen Lawrence murder investigation) records refer to a Special Branch Liaison Officer. This individual has been identified as PC Alan Fisher, Plumstead's Racial Incidents Officer (RIO). PC Fisher confirmed that he was appointed shortly after the murder to be the liaison between Special Branch and Operation Fishpool. This role involved him passing details of potential suspects and right-wing groups to Special Branch. During the murder investigation he was contacted by Special Branch officers as to whether he knew of particular named suspects. At the time of the murder he was unaware of the existence of the SDS and had no contact with any officer from the unit. Mr Fisher was adamant that any request for information submitted to Special Branch

by him would have been on an official HOLMES major incident action form and returned as such.

There is no evidence or suggestion that 'victim liaison officers' or FLO's passed any information onto Special Branch.

Allegation - Alleged smearing of Duwayne Brooks

During the Dispatches programme, Peter Francis claimed that as the SDS could not find 'dirt' on the Stephen Lawrence family, they then looked to target friends and those associated with the family such as Duwayne Brooks. He said, 'We did start to look at Duwayne (Brooks) to see if there was a possible way that we could then smears the best way his campaign via a different direction….myself and another SDS officer went through the material we had, the media we had and between us we'd identified him participating in some criminality, perceived criminality, this was then sent through the same chain of command, Special Branch DI, DCI, out to division, and again the decision was obviously made to go and arrest Duwayne for said offences.'

There is no documented evidence of any involvement of any SDS officer in the identification of Duwayne Brooks for serious public order offences that occurred in May 1993. There are however complete records including statements and identification material that provides powerful evidence that the identification of Duwayne Brooks in September 1993 was an evidentially sound procedure that adhered to policy and did not involve any member of the SDS. This premise is further supported by Peter Francis's own alleged timeline of deployment which claims he was deployed in September 1993 and reported on the subsequent Riot at Welling, October 1993.

It was not uncommon practice for the SDS operatives to become involved in intelligence gathering identifications post public disorder. They were ideally placed in these events. It is highly likely that a number of SDS undercover officers were tasked to view images from the Welling Riot in October 1993. It is known that SDS Undercover officers were deployed at the Welling disorder and reported on the extreme violence that occurred.

There is SDS reporting on Duwayne Brooks. This related to general intelligence regarding his interaction with the protest groups infiltrated by the SDS. Intelligence suggests Duwayne Brooks saw some of the protest groups as a legitimate way to support his cause, and so he attended a few demonstrations. Some of this reporting

contains personal information not connected to public order. There is no evidence of any intention to smear his reputation or further dissemination of the information.

Allegation - Withholding material from the Macpherson Inquiry

Peter Francis claimed within the Dispatches programme on 24 June 2013 that 'vital information' was held back from the Inquiry despite his attempts at the time to get Special Branch 'to come clean' and disclose their involvement. Peter Francis said, 'So when I actually informed them, it went first to the DI Robert Lambert, it then went to Superintendent in the Special Branch, who's responsible for the overall decisions, it actually then went up to the Commander Special Branch who came out to see me. It can be encapsulated roughly along the following lines: If the public was to find out that you were undercover there, they still would be battling on the streets in about a year to come, so the whole idea is to prevent disorder - if we go in there and say we were undercover in there it would re-ignite disorder that hadn't taken place with Lawrence for quite a while.'

There is no evidence that any undercover officer was prevented from providing information to the Macpherson Inquiry. However, it is clear that the existence of undercover officers was never disclosed and SDS management did nothing to bring such deployments to the attention of the Macpherson Inquiry. It is also likely that the senior officers tasked by the then Commissioner to provide information and evidence to the inquiry actually had no knowledge of the existence of the SDS.

SDS internal reporting on the hearings at the Macpherson Inquiry focused on the public disorder aspects. Specifically detailed were the personal safety risks to the then Commissioner Sir Paul Condon should he attend the hearing at Hannibal House. It was clear that he might be at risk of physical attack.

N81 attended the Inquiry with members of their infiltrated organisation. Their role and immersion within the organisation resulted in the expectation that they accompany the group regardless of where they were. This included entering the public gallery during the hearing. The hearing was open to media, the public and representatives of the MPS who openly attended on many occasions in uniform. The presence of an undercover officer did not provide an unfair advantage or result in the obtaining of any information from the inquiry that was not in the public domain.

There is however no record of any disclosure to the Macpherson Inquiry of the involvement of any undercover officer in either the campaign support groups or of

the regular presence of an undercover officer at the hearings themselves. Operation Herne considers that it is a realistic assessment that had the involvement of an undercover officer deployed in the proximity of a grieving family seeking justice been publicly disclosed, this could have resulted in large scale public disorder. It would have been problematic to have extracted N81 from his deployment at short notice without some significant operational and personal risk. It is also clear to Operation Herne that this deployment was not known to the Commissioner or the senior officers responsible for the MPS response to the inquiry.

It is evident that a junior officer, N183, who was linked to the MPS response, was made aware of the deployment of an undercover officer. N183 received a verbal briefing regarding this deployment and it appears that this occurred due to their previous Special Branch history. The meeting was authorised by Special Branch at commander level. However, N183 did not bring this meeting to the attention of their senior management.

Regardless, the role of the undercover officer in this matter should have been revealed to Sir William Macpherson to allow him to make his own judgement on how to deal with the matter. It is quite apparent that the SDS ethos and culture of total secrecy caused this failure. There is no evidence to suggest this was a deliberate act, rather it appears that this was never even considered by SDS management as necessary. This is all the more remarkable as the overall supervision and detailed knowledge of the SDS within the MPS Special Branch went right up to Commander level. Whilst it might be reasonable to assume the constables on the unit may not be aware of the huge significance of the Macpherson Inquiry and the relevance of disclosure, officers working at the Executive level and a part of the MPS senior management should clearly have understood the importance of this deployment. Whilst the Inquiry was not a criminal trial, it is relevant that by this time disclosure legislation was in place and the default position should have been to disclose and explain rather than hide. It is inexcusable that the senior management of the SDS and the MPS Special Branch chose not to disclose the presence of N81 to the Commissioner's office in order that a proper executive decision on disclosure to Sir William Macpherson could have been made.

1 Introduction

1.1 This report details the investigation by Operation Herne into the specific allegations and disclosures surrounding the alleged activities of the Special Demonstration Squad (SDS) made by Peter Francis.

These allegations fall under Section 2 Police (Complaints and Conduct) Act 2012.

This investigation was voluntarily referred to the Independent Police Complaints Commission (IPCC). Upon review of the facts, the IPCC determined that this would be a local investigation conducted by Operation Herne.

This report is not intended to detail the ongoing criminal and misconduct investigations that are being conducted by Operation Herne. These matters will be subject of detailed reporting once the comprehensive investigation has been concluded to fully address public confidence and ensure any organisational learning is identified and embraced.

2 Background

2.1 The Metropolitan Police Service (MPS) launched a review of the SDS in October 2011. This followed allegations reported in the media that an undercover SDS officer had been involved in a relationship with an activist whom he subsequently married and had two children with. Further allegations were then reported which claimed SDS officers had attended court and had given evidence in their false names.

The review initially called Operation Soisson was commenced under the direction of Deputy Assistant Commissioner (DAC) Mark Simmons. In August 2012, Soisson was re-named Operation Herne, to incorporate new allegations and DAC Patricia Gallan was appointed the lead ACPO officer (Association of Chief Police Officers).

In February 2013 following further allegations in the media concerning the use of deceased children's identities by officers from the SDS, The Commissioner, Sir Bernard Hogan - Howe invited Derbyshire's Chief Constable, Mick Creedon QPM to assume oversight in order to provide independence and public confidence. This request was supported and announced by the Home Secretary Theresa May. Chief Constable Creedon subsequently agreed terms of reference at the start of the Inquiry with Deputy Commissioner Craig Mackey. An independent Senior Investigating Officer was appointed by Mr Creedon to take over the day-to-day command of the operation.

2.2 Operation Herne's terms of reference are to review the former SDS from its origin in 1968 to its closure in 2008, examining how it operated throughout its existence. The Inquiry will identify and investigate any potential criminality or misconduct by its officers over that time, and identify any vulnerability for the MPS from its deployments. Operation Herne has already reported on the use of dead children's identities, to establish the covert identity of the SDS undercover officers. A range of other matters will be the subject of further reporting. Operation Herne continues to investigate the wider implications of the SDS procedures and management.

Operation Herne also had a responsibility to provide relevant SDS material to Mark Ellison QC who has completed a review on behalf of the Home Secretary. This focuses on the corruption allegations surrounding the MPS and the Stephen Lawrence murder investigation.

2.3 On 26 June 2013 Peter Francis appeared on the 'Dispatches' television programme where he made a series of allegations. These claims detailed below were given the operation name Trinity.

- That there had been inappropriate sexual relationships between SDS officers and persons within target organisations, and that he had two (2) such relationships whilst deployed.
- That he was ordered to use a dead child's identity for his covert legend, and that this was accepted practice.
- That he and other undercover officers were directed to obtain intelligence on 'black justice campaigns'.
- That SDS officers were arrested in their covert identities and subsequently went through the judicial process and the prosecutions against them were dropped.
- That he provided information to the MPS Special Branch regarding two (2) individuals that appeared on a 'blacklist'
- That he and other 'police spies' were directed to obtain intelligence that could be used to discredit the Stephen Lawrence family and the campaign by 'smearing' them.
- That Family Liaison Officers (FLO's) initially tasked to the Stephen Lawrence Family at the time of Stephen's murder passed back intelligence to Special Branch.
- That he was tasked to gather intelligence about Duwayne Brooks to 'smear' him.
- That he was prevented from providing information to the Macpherson Inquiry about the role of the SDS by senior Special Branch officers.

2.4 Stephen Lawrence and Duwayne Brooks

On the 22 April 1993, Stephen Lawrence was murdered on the streets of Eltham, South East London. Duwayne Brooks was also attacked and survived the ordeal. He stated he saw a group of white males surround Stephen who as a result, was stabbed twice. He shouted for Stephen to run away of which he did, and he subsequently collapsed and died. Duwayne is the primary surviving victim to the assault.

On 7 May 1993, the Acourt brothers (Neil and Jamie) and Gary Dobson were arrested. David Norris turned himself in to police and was likewise arrested a few days later. Luke Knight was arrested on 3 June 1993. Neil Acourt and Luke Knight were charged with murder respectively, but the charges were dropped as the Crown Prosecution Service took the view that at that stage there was insufficient evidence to proceed. An internal review was opened by the MPS and the CPS stated they did not have sufficient evidence for murder charges against anyone else.

In April 1994, Mr and Mrs Lawrence initiated a private prosecution against the five (5) identified suspects, and were represented by Michael Mansfield QC. The charges were dropped against Jamie Acourt and David Norris before the trial started due to lack of evidence. The remaining suspects, Neil Acourt, Gary Dobson and Luke Knight were acquitted, as Duwayne's identification evidence was ruled to be inadmissible. The inquest into Stephen's death was held in February 1997.

Following the failed investigation of Stephen's murder, the then Home Secretary the Rt Hon Jack Straw MP announced in July 1997 that a Judicial Inquiry would be launched. The original objective was to review the police investigation and to learn lessons to assist with the investigation of racially motivated crime. Sir William Macpherson led the inquiry, which opened in March 1998. In February 1999 the results of the inquiry were published. It criticised the Metropolitan Police Services' leadership, investigative failures and labelled the service as being 'institutionally racist'. The Stephen Lawrence Inquiry aka Macpherson Report produced seventy (70) recommendations aimed mainly at the police service, but also designed to impact upon all public bodies.

In June 2006 the Metropolitan Police Service commenced a cold case review in respect of Stephen's murder and Gary Dobson and David Norris were charged with his murder on 8 September 2010. The trial started on 15 November 2011 at the Central Criminal Court and on the 3 January 2012 Gary Dobson and David Norris were found guilty of Stephen's murder. On the 4 January 2012 they were sentenced to life imprisonment.

3 Metropolitan Police Special Branch (MPSB)

3.1 The SDS was a covert unit within MPSB, which in itself was a secretive department. Before scrutinising and seeking to understand the SDS, it is important to understand the fundamental principles which govern the nature and purpose of Special Branch both in the MPS and in police forces across England and Wales. These are detailed in the Home Office document 'Guidelines on Special Branch Work in Great Britain' which was published in 1994.

SO(12) was the name for Special Branch, it had an intelligence only remit. SO(13) was the Anti-Terrorist Branch who undertook all investigations. The two (2) commands had separate management teams and they worked independently.

The Special Irish Branch was formed in 1883 to deal with Irish Republican Terrorism. Special Branch had the responsibility of investigating political threats, public order and gathering intelligence on extremist groups at both ends of the political spectrum. Special Branch officers investigated offences contrary to the Official Secrets Acts (OSA) and the Representation of the People Acts as well as offences involving the distribution of race-hate material by extremist organisations.

3.2 Special Branch worked to guidelines set by the Home Office that were agreed by The Association of Chief Police Officers (ACPO) and were also bound by legislation. Each Special Branch was an integral part of the local force, accountable to individual chief officers. Special Branch officers had no additional legal powers.

The Metropolitan Police Special Branch (MPSB) was concerned with national security and was divided into two (2) operational command units; one focused on counter-terrorist and counter-extremist operations and the other providing security at international ports within the MPS area. These units were divided into a number of squads. 'C' Squad dealt with Domestic Extremism, and had strong links to the SDS as they were responsible for disseminating the majority of their intelligence product.

3.3 The SDS were primarily part of 'S' Squad which provided a variety of support services.

Additional MPSB support services included a secure intelligence management system which maintained the Special Branch records.

MPSB also provided close protection for the Prime Minister (PM), some other members of the Government, visiting Heads of State and performed a front-line policing role at Heathrow and other London ports.

4 History of The Special Demonstration Squad (SDS)

4.1 The Special Operations Squad (SOS) was formed in 1968 by the MPSB in response to mass violent Anti-Vietnam War demonstrations in Grosvenor Square, London. The formation of the covert unit was supported by the Home Office who provided direct and dedicated funding. From March to October 1968 a small number of Special Branch officers were covertly deployed to mass public order and political protests. Their role was to assimilate themselves with the protesters and report back on the tactics used by demonstrators, the numbers expected on particular events and identify the core participants.

These officers were successful in infiltrating the anti-war movement and were able to feed back key intelligence to assist the authorities in the policing of such demonstrations. There was an acknowledgement that Special Branch activity in this area had been invaluable in keeping the Home Secretary of the day 'well informed'.

4.2 From its inception in 1968, the SOS was directly funded by the Home Office and reviewed initially on a six (6) monthly basis. It was then reviewed on an annual basis until 1989, when responsibility and funding was handed to the Metropolitan Police Service. Between 1968 and 1989, the Under Secretary of State within the Home Office provided a rolling blanket authority and funding for the deployment of undercover police officers (UCO). This blanket authority meant it was continual for all aspects of the operation.

At the very clear and then documented insistence of the Home Office, the SOS was maintained with the strictest secrecy so as not to compromise the Government. Before 1984, significant funding was provided by the Home Office with secrecy as a prevailing theme. This was re-enforced in a letter from Sir James Waddell (The then Deputy Under-Secretary of State Home Office) to The Commissioner Sir John Waldron dated 1970 where it is recorded 'Plainly the arrangements could if made known in the wrong quarters be a source of acute embarrassment to the Home Secretary.'

4.3 In the absence of any legislation the Home Office authority was a strategic authority which was renewed yearly where appropriate. However it was never the subject of interim review.

The original SOS remit was to gather intelligence on demonstrations by left-wing extremists and identify the organisers and participants promoting disorder or violence. However, world political events dictated that the unit included groups covering the extreme right-wing and Animal Rights. There was a continued focus towards all public disorder incidents.

4.4 A letter dated the 16 December 1968 from the Home Office to the Commander of Special Branch, authorised the continued use of Special Branch officers in an

undercover capacity. In 1968 there was a strict requirement for the continual review of the 'enterprise' of infiltration.

As a method of infiltrating these groups officers would invariably change their appearance. They would grow longer hair and a beard and this led to them being referred to as 'hairies'. Over time, subjects of interest became known as 'wearies'. This was a slightly derogatory colloquial term for individuals that were viewed as hard work and tiresome. These titles which now seem archaic and inappropriate remained in use by the unit throughout its existence.

Sir James Waddell (Deputy Under-Secretary of State Home Office) wrote to the Commander of Special Branch, Peter Brodie in December 1968: stating '…in an enterprise of this kind there is always some slight danger of innovations like the one we are considering becoming an accepted part of the scene, so that discontinuance might be thought to be a drastic change; hence the suggestion that we ought to look at the matter again mid-summer.'

4.5 Between November 1972 and January 1973 the name attributed to the SOS was changed to the Special Demonstration Squad (SDS). In 1997 the name was again altered to become the Special Duties Section to reflect the unit's widening remit to include domestic extremism.

Day-to-day operational management was provided by a Detective Chief Inspector (DCI), who reported to the Commander Special Branch. In order to satisfy both the Home Office and Commander Special Branch as to the continued merits of the SDS, an annual report was completed by the DCI which detailed the unit's activities.

During the infancy of the SDS, annual reports were often limited in scope. However, as the unit developed the reports began to offer greater detail, including individual deployment summaries.

4.6 The annual report was provided to the Assistant Commissioner (AC) with responsibility for MPSB who would then in turn write to the Home Office seeking authorisation for a further year. Correspondence held by Operation Herne highlights this practice.

In 1989, responsibility for funding and authorisation was devolved from The Home Office and passed in its entirety to the MPSB. The Superintendent 'S' Squad was then appointed lead for the SDS. Strategic direction and authorisation was provided by the Detective Superintendent in consultation with the Commander Special Branch.

4.7 Over the past forty (40) years, the arena of public order policing has seen a significant amount of change. This includes the nature of disorder, the groups involved and the methods of policing it. The tactics adopted by protesters and the methods employed by Police to ensure public safety have likewise evolved over

time. Previously, the infiltration of organisations committed to direct action was deemed a necessary tactic. This was to obtain intelligence relating to planned or potential disorder.

Today the prevalence of large scale public demonstrations and protest is no longer as common place as it has been in the recent past. There are a number of possible explanations predominantly the introduction of social media and the development of the internet. However, it is also possible that intelligence led policing of such events contributed to the reduction.

4.8 There is no doubt that the ability of the Police and public order commanders to deal with large scale disorder and protest was enhanced by the use of intelligence from undercover officers. Deployment of officers able to report upon such events was a key element in the protection of the public and subsequent prosecution of offenders.

The need for long term covert operations targeting extremist groups has diminished with the increasing threat from International terrorism. Improvements in intelligence gathering have reduced the requirement for the deployment of undercover officers. In addition the Human Rights Act and other stringent legislation governing the use of a 'human source' has provided a more formal process to justify the need for undercover activity.

5 Governance

5.1 Authorisation

In 1989, the Detective Superintendent (DSU) who was responsible for Animal Rights National Index (ARNI) within 'D' Squad of the MPSB also assumed responsibility for the SDS. Strategic direction was provided by the DSU and the Commander Special Branch Operations; although records show that, 'Once the targeting was implemented (it) was left to those engaged operationally to deliver'.

As part of the authorisation process, annual reports were prepared for the Commander by the SDS Management Team. These reports initially had little detail, other than the post-event accounting information. They became more extensive over time, to include individual deployment summaries. The latter provide details about targeting but only in the context of the different activist groups, rather than a targeting strategy for the individual deployments.

Before the introduction of Regulation of Investigatory Powers Act in 2000 (RIPA),

many police forces that conducted undercover operations authorised their deployments every three (3) months with a monthly review. In contrast, the MPS authorised SDS deployments annually.

Between 1989 and 2000, '….the annual authorisation of the SDS operation became the responsibility of Assistant Commissioner Specialist Operations, (ACSO) while Commander Operations Special Branch continued to act as the signing authority for (the) individual operations.'

The SDS authorities for deployment were made to expedite the gathering of intelligence and this rationale continued, following the introduction of RIPA. This created vulnerabilities, as without judicial oversight and exposure to the 'evidence chain' there was no opportunity to test the legalities of the deployments at court – as in effect the court was never made aware of the covert activity and intelligence gathering.

In 1988 the MPS created SO10, a formalised unit to deploy undercover officers against serious crime. This work was totally separate to the work of the SDS within Special Branch. Pre RIPA legislation the authority to deploy undercover officers was granted at commander level and reviewed monthly. Long term deployments were used infrequently. Prior to this, undercover deployments were conducted on a localised basis with no policy or guidance.

There was no interaction between SO10 and the SDS who maintained the strictest secrecy regarding their existence and deployments.

Significantly, very few officers and police staff members outside of Special Branch ever knew of the SDS and these included the most senior officers responsible for policing public order, for managing covert policing and for investigating murders and serious and organised crime.

Pre-RIPA there was no detailed authority recorded to define an undercover officer's participation in minor crime. SDS guidance suggests that participation in crime was dealt with on an 'ad-hoc' case-by-case basis, with the condition that only a minor role was undertaken so as to maintain the operatives cover. Post RIPA authority for involvement in crime was recorded and authorised by Commander Special Branch.

5.2 Funding

Between 1968 and 1989 the SDS was funded by the Home Office. This was managed as part of the Deputy Under Secretary of State's annual authorisation. As outlined previously the earlier annual reports provided scant detail, other than accounting information, to justify the annual budgets. After 1989, Special Branch had responsibility to finance the team as part of the overall MPS budget allocation

and this arrangement lasted until the unit closed in 2008.

5.3 Recruitment

Officers were recruited directly into the SDS, almost exclusively from within Special Branch, by word of mouth. Vacancies were never advertised. Potential candidates were identified by those serving or those who had served on the unit and 'head-hunted'. Initially the recruitment process was very informal, but over time efforts were made to make the selection process more rigorous.

According to the 1994/1995 SDS annual report, a mentoring scheme was implemented in 1992. Documents also indicate that from 1994 psychometric tests were used in the selection process. In June 1996 a report was commissioned for the DAC Special Branch in respect of psychological screening. In January 2002 plans were outlined to involve psychiatrists during the selection, deployment and exit phases of each operation.

5.4 Training

SDS field officers received little formal training. There was limited legal guidance and the operatives and managers often had to break new ground. The concept of long term covert infiltration into violent protest groups was new and practices evolved as a result. There was constant need to invent new ways to solve problems for which there were no precedents. In this way best practice was shared amongst SDS colleagues. Over time the unit became increasingly isolated and the management chose not to adopt the many developments in undercover policing within the crime world.

The first stage of SDS training involved the new recruit working in a support and research capacity. New officers were expected to study reports about tradecraft, legend building and to learn about the groups that they would subsequently infiltrate. For many years SDS operatives developed covert identities using details from public records of deceased children. This matter has already been reported on in detail by Operation Herne in July 2013.

The unit had no interaction at any level with Crime Covert Operations (SO10).

5.5 Deployments

Most undercover officers deployed into the field were allocated a 'cover officer' who maintained contact with them and recorded, sanitised and disseminated the intelligence product provided by the undercover officer. They would also ensure a degree of welfare. Permanent cover officers were not allocated, however the

undercover officer was required to keep in telephone contact with the office.

From the 1970s it was established that long term deployments would provide the best intelligence yields. Initial deployments were for several years.

Once deployed, undercover officers were expected to make telephone contact with their office and attend meetings. At these meetings their welfare would be monitored. Some SDS officers state that the meetings were also used to discuss deployments and debriefs. These regular meetings provided the officers the opportunity to share their intelligence and detail of the group or groups they were infiltrating. Whilst there is the potential for some operational benefit in the open sharing of intelligence etc, there is also a huge risk in each officer having knowledge of their colleague's covert activities.

What is apparent is that before the introduction of the National Intelligence Model, (NIM) across policing the concept of tasking was informal and ad-hoc, and differed to current practices. Indeed 'direct tasking' was avoided on the grounds that it could compromise an operation.

SDS correspondence and witness accounts detail a regular liaison between the Security Service (MI5) and the SDS. The security service would express interest in particular subversive groups and as a result receive intelligence from SDS undercover officers whose covert deployment had generated intelligence on those groups.

Day-to-day management of the SDS was provided by a DI and DCI who had full time responsibility for the unit. They in turn reported to senior officers with a larger portfolio.

6 Structure of the SDS

6.1 The structure of the SDS was as follows:

- Commander Special Branch.
- Detective Chief Superintendent Special Branch.
- Detective Superintendent 'S' Squad.
- Detective Chief Inspector SDS.
- Detective Inspector SDS.
- Detective Sergeants in cover office /administration roles.
- Undercover officers.
- Administrative staff.

6.2 In 2005 the amalgamation of Special Branch (SO12) and the Anti Terrorist Branch (SO13) resulted in the SDS sitting within the operational support strand of the new Counter Terrorism Command (SO15) overseen by a Detective Chief Superintendent.

7 Legislation

7.1 Home Office Circulars

Prior to the introduction of RIPA there was little legislation and independent guidance about undercover work. For a number of years, aside from Common Law, the only advice available was contained within the following Home Office Circulars:

- 97/1969 'Informants who take part in Crime'.
- 35/1986 'Consolidated Circular to the Police on Crime and Kindred Matters'.

These short documents provided guidance and advice about the dangers of being an 'agent provocateur' and confirmed the principle that, 'The police must never commit to a course which, whether to protect an informant or not, will constrain them to mislead a court….' This issue was later addressed within Special Branch with the introduction of the National Code of Practice for Special Branch Operations and a joint ACPO HMRC guidance on covert law enforcement techniques (1999).

7.2 Regulation of Investigatory Powers Act 2000 (RIPA)

In September 2000, Part II of RIPA became effective. This legislation provided a framework in the authorisation of the use or conduct of Covert Human Intelligence Sources (CHIS) (otherwise known as 'a source'). Part II provides a statutory basis for authorisation and use, by law enforcement and other public authorities of covert surveillance, agents, informants and officers working under cover. RIPA provided a statutory framework for all covert operations including the SDS.

A review of the available SDS RIPA material indicates that the unit followed best practice in terms of the authorisation documents' content. Aside from a few minor administrative breaches, post 2000 the SDS complied with the new legislation. The authorising officer ensured that the authorisations were proportionate, legal, accountable and necessary. With the introduction of RIPA, the authorising officer for each individual deployment remained the Commander Special Branch Operations. The SDS DCI and Detective Superintendent signed off the authorities as part of the management process.

In compliance with RIPA, the authorisations were granted for twelve (12) month periods. The SDS reviewed their authorities monthly (Sec 29(3) RIPA). In all cases, it was recorded that undercover officers were deployed for the purposes of preventing or detecting crime, or to assist with preventing public disorder.

7.3 Police and Criminal Evidence Act 1984 (PACE)

The implementation in 1984 of PACE had little or no impact on how the SDS operated. This was due to their objective being to obtain intelligence rather than gathering evidence. The objective and rationale of the SDS was to obtain information to assess the threat posed by particular groups and to assist with policing public disorder and extremist activity. Every effort was made to distance the deployments from investigations for protective security, as any judicial proceedings or court process generated potential risks for exposure of the officer and the tactic.

7.4 The Human Rights Act 1998

The Human Rights Act 1998 came into force in October 2000. Prior to this, case law and UK legislation were influenced - but not determined - by the European Convention of Human Rights (ECHR). The most significant elements for the SDS deployments of both the Act and the Convention included article 2 (Right to life), article 6 (Right to a fair trial) and article 8 (Right to Privacy). These principles are reflected in the RIPA applications and to a certain extent in the pre-RIPA process.

7.5 Disclosure

Before 1997 disclosure was covered by Common Law and Attorney General Guidelines. On 1 April 1997 the Criminal Procedure and Investigations Act 1996 (CPIA) became effective and determined the law for all aspects of disclosure. The Common Law rules governing Public Interest Immunity (PII) also became formalised. Agencies had a duty to conform to disclosure requirements in two (2) aspects: primary and secondary, these being what material may undermine a prosecution, and what would assist the defence.

7.6 The National Intelligence Model

The NIM was developed by the National Criminal Intelligence Service (NCIS) and endorsed by ACPO. The foreword described it as, 'A Model for Policing' that ensures information is fully researched, developed and analysed to provide intelligence which enables senior managers to determine strategy, tactics and to manage risk.' NIM was adopted as ACPO policy and was later granted a statutory basis, under the Police Reform Act, with a requirement for all forces to implement it by April 2004.

Between the years 1968 to 2000 the SDS processes to manage and develop intelligence complied with Special Branch practices. Review of documentation held and the witness accounts provided confirmed that prior to NIM there was little directed tasking, and requests were informal. Instead the management focus was more strategic. Individual field officers had a significant freedom and discretion in deciding how their operations developed. Whilst this allowed for dynamic decision making and the officer and their supervision to determine their actions, this

methodology clearly carried considerable risk and it is totally at odds with current practice and legislation where the 'use and conduct' of an undercover officer is tightly defined and managed.

The tasking of an undercover officer is a formal, audited process which involves a police manager giving direction and focus for a deployment. Currently, taskings are authorised, detailed, reviewed and recorded. Specific operational parameters are always set and objectives defined. At the relevant time, SDS tasking was more informal and often verbal.

7.7 Document Retention and Disposal

In common with records and information management throughout the public sector, the MPS is subject to a number of statutory regulations and controls. These derive principally from Acts of Parliament and associated Codes of Practice or powers vested in regulatory organisations such as the Office of the Information Commissioner. These regulations and controls can be summarised as follows:

7.8 Public Records Acts of 1958 and 1967

This applied to MPS records created before 1 April 2000. It places a statutory duty on organisations whose records are covered by the Act to maintain records about their business activities. It also requires effective review and disposal policies to be applied to non-current records.

7.9 Data Protection Acts 1984 and 1998

The Data Protection Act 1984 created a statutory scheme for the regulation of automatically-processed information. It did not apply to document records. The Act established eight (8) data protection principles with which 'data users' had to comply when processing personal data. If the Data Protection Registrar (renamed the Information Commissioner) was satisfied that a registered data user had contravened any of the data protection principles, he could serve an enforcement notice requiring that person to take steps to comply. The 1998 Act concerns the management of personal data in both IT based and document filing systems. It provides rights of subject access and privacy safeguards.

7.10 Freedom of Information Act 2000 (FOIA)

This Act provides the public with a right of access to records and information held by public authorities. Some types of information are exempt such as those dealing with national security or personal information.

7.11 Information Commissioner

The Information Commissioner is an office created under the Freedom of Information Act 2000. The Commissioner has the following roles:

- Promote observance of the statutory Code of Practice that accompanies the Act;
- Enforce the Code of Practice and issue recommendations for improvements or enforcement notices where appropriate;
- Investigate alleged breaches of the Act and enforce disclosure where necessary.

7.12 Definition of Records

A record is defined as recorded information, in any media or format, which is created or received in the course of an individual's or organisation's activity that provides reliable evidence of policy, actions and decisions records management is the function of creating, organising and managing records to ensure they provide evidence of activity, decision-making and policy, that they are easily retrievable when required and are disposed of either by destruction or transfer to an archive at the appropriate time.

7.13 Management of Police Information (MoPI)

The code was developed by the Home Office under the Police Act 1996 and 1997. This followed recommendations made by the Bichard Inquiry which looked at information availability failures relating to the Soham murders in July 2002. The purpose of The Code is to ensure that there is broad consistency between police forces in the way information is managed within the law. Also to ensure effective use of available information within and between individual police forces and other agencies, and to provide fair treatment to members of the public. The Code of Practice describes policing purposes relating to information management at a high level and sets out the principles governing the management of information (including personal information).

The Guidance states that police information is information required for policing purposes. Policing purposes are:

- Protecting life and property
- Preserving order
- Preventing the commission of offences
- Bringing offenders to justice
- Any duty or responsibility arising from common or statute law

These five (5) policing purposes provide the legal basis for collecting, recording, evaluating, sharing and retaining police information.

7.14 MPS Record Management Policy

Records should be retained only for the minimum period required commensurate with policing purpose, administrative purposes and any relevant legal provisions. There are no circumstances where records may be retained on an indefinite basis. Retention periods for administrative records will normally be set by the relevant portfolio holder or lead branch after consultation with Records Management Branch, which retains a database of retention/disposal periods. The setting of sensible retention periods may involve accepting a degree of risk about the effect of destruction at a particular time. Records that support the policing purpose as set out in the Guidance on the Management of Police Information should be reviewed, retained and disposed of in accordance with the guidelines set out in Sec.7 of that document or any corporate MPS Retention and Disposal Schedule that may be published.

Registered files are reviewed and, where appropriate, destroyed by Records Management Branch. The responsibility for the disposal of non-registered records rests with local management. Records over twenty (20) years of age for which the MPS has no further policing or administrative use and which appear suitable for permanent preservation maybe transferred to The National Archives or other suitable place of deposit. All other records should be destroyed.

8 Neither Confirm Nor Deny Principle (NCND)

8.1 The principle of 'neither confirm nor deny' (NCND) is adopted where there are concerns that an answer to a specific question could compromise the identity of a source or some other covert asset. It appears that the principle, although long accepted as best practice, did not derive from specific legislation. However, it has been incorporated into both Criminal Procedures and Investigatory Powers Act (CPIA) 1996 and the Freedom of Information Act 2000, in regards to the management of sensitive and public interest immunity information. It is a long established position by the police service, other law enforcement agencies and Government.

The NCND approach is paramount in the undertaking that is implicit between the individual charged with undertaking an often dangerous undercover role and the organisation that places them at risk.

The concept of NCND has its roots in common law and has been regularly applied in a number of stated cases. It also has a basis in the Human Rights Act 1998 under Article 2 (Right to life), Article 6 (Right to a fair trial) and Article 8 (Right to Privacy). Essentially a police officer will only identify an informant if required under law.

8.2 Relevant cases include:

- R v Agar 1990: Case law prevents the defence from questioning to identify the existence of a potential informant.
- Attorney General v Briant 1846 (15 M. & W. 169) and Mark v Beyfus 1890 (25 QBD 424).

Both support that an informant's identity should be protected on public interest grounds, to ensure that potential future informers are not put off from providing assistance to Law Enforcement Agencies.

8.3 In R v Agar, the defendant appealed against conviction on the ground that the judge had erred in ruling that questions could not be put to police witnesses for fear of identifying informants, thereby weakening the defendant's attack on the police. The Court of Appeal held that notwithstanding the special rule of public policy which inhibited the disclosure of the identity of informants, the public interest in ensuring a fair trial for a defendant outweighed the public interest in protecting the identity of a police informer if the disclosure of the informer's identity was necessary to enable the defendant to put forward a tenable case that he had been entrapped by the police and the informer acting in concert.

In Mark v Beyfus, the Judge stated that – 'I do not say it is a rule which can never be departed from; if upon the trial of a prisoner the judge should be of opinion that the disclosure of the name of the informant is necessary or right in order to show (sic) the prisoner's innocence, then one public policy is in conflict with another public policy, and that which says that an innocent man is not to be condemned when his innocence can be proved is the policy that must prevail. But except in that case, this rule of public policy is not a matter of discretion; it is a rule of law, and as such should be applied by the judge at the trial, who should not treat it as a matter of discretion whether he should tell the witness to answer or not.'

8.4 The principle is further illustrated in the much more recent case of Scappaticci (2003) NIQB 56 where the Permanent Under Secretary of State for the Northern Ireland Office stated -

'To confirm a person is an undercover police officer would place that person in immediate and obvious danger. To deny a person is an undercover police officer may place another person in immediate and obvious danger. To comment either way in one case raises a clear inference where there is a refusal to comment in another case that there is something to hide in that case, i.e. the inference will be that individual in that case is an undercover police officer, and he or she may be subject to reprisals (and his or her life may be at risk) It is only by maintaining the NCND policy so far as possible across a whole range of cases that this risk can be avoided.'

8.5 The CPS Disclosure Document states '…it is a standard response to adopt a neither confirm nor deny (NCND) approach.' This is reiterated in the NPIA Guidance on the Lawful and Effective Use of Covert Techniques (2008) which states that, 'Neither confirming nor denying in all cases ensures that a failure to deny in any particular case does not amount, in effect, to confirmation. Confirming that there was no CHIS in a particular case would not cause immediate harm but could contribute to incremental damage in the longer term.'

8.6 The most recent relevant guidance is the Authorised Professional Practice (APP) published by the College of Policing. Within the media guidance section this APP states that: - 'There must be a credible media strategy that does not allude to the use of undercover techniques, even when they have been referred to in court or elsewhere in the public domain.

A media strategy should contain entries to the effect that no information will be passed to the media that might lead to:

- The identification of an undercover officer of covert human intelligence source.
- Revelations of covert tactics/techniques or methods.
- Revelations regarding the existence or details of particular items of technical equipment.
- Disclosure of any other sensitive process or procedure.'

8.7 The Regulation of Investigatory Powers Act (RIPA) provides that undercover officers are dealt with by the legislation for covert human intelligence sources (CHIS) and that any authorisation must consider the potential risks against the CHIS. A risk assessment is required with consideration of other safety measures. RIPA creates obligations for the authorising officer to protect all CHIS, and this responsibility will be ongoing, even when a CHIS has ceased acting as an informant.

Although undercover officers may eventually be required to give evidence, in many cases a court will grant them special measures to protect an officer's identity. This practice is specifically to recognise the personal security risks and the ongoing need to protect the officer.

8.8 The principle, although best practice, did not come from specific legislation, but from Common Law. However, it has been incorporated into both the CPIA and the Freedom of Information Act 2000, in regards to the management of sensitive and PII information.

Lastly, under common law, as an employer the MPS also has responsibilities for the safety of its staff, and potentially the identifying of an officer as an undercover officer could expose them to risk. This duty of care remains for officers who have left the service.

9 Peter Francis

9.1 Operation Herne will not confirm or deny Peter Francis was an undercover officer. To avoid placing any individual in obvious danger this principle is paramount . Despite Peter Francis making public claims and allegations for Operation Herne to comment either way will raise clear inferences in other cases where no comment is made. The position is essential to ensure that danger and additional risk can be avoided.

He has made a number of public claims regarding his background and alleged police career. These are detailed below.

In the book 'Undercover - The true story of Britains Secret Police' Peter Francis claims that he joined the Metropolitan Police Service initially serving at Bromley Police Station. Following a short spell in uniform, he joined Special Branch in 1990, initially working at Heathrow monitoring Irish dissidents on 'B' Squad. In 1993 he moved to 'C' Squad who had a remit of monitoring subversives. Following his interview of a Socialist Worker Party (SWP) detainee his report allegedly attracted a large amount of interest from the SDS.

9.2 He claimed in the book that he attended an interview at the SDS office in January 1993 he began with the SDS. He started 'as a back office boy for the initial months doing menial work and then he was plunged into the world of the far left.' He had two covert names, 'Peter Black' and 'Peter Daley'.

Peter Francis claimed that his original targeting strategy was changed at short notice and that he was redirected into an emerging, violent left-wing group 'Youth Against Racism' in Europe (YRE). This also incorporated groups known as 'Militant Labour' and 'Workers Power'.

In September 1993 he allegedly started his undercover role at Kingsway College, monitoring the YRE. Peter Francis claimed he was deployed in his covert role to the serious public disorder at the BNP bookshop in Welling, Kent on 16 October 1993. He subsequently claimed to have met the Commissioner Sir Paul Condon at SDS premises.

9.3 During the Summer of 1995, he describes going camping in the Bavarian Forest with anti racist activists at a summer camp organised by the YRE. He had a cover job of working in a school which he did for free. He never developed any long term relationships with women but had sex with two activists

Peter Francis claims that he became the branch secretary of the YRE during his deployment.

He claims in 1995 he began a dual role of working for the SDS and MI5. In the summer of 1997 he began his withdrawal plan, although he was not happy about leaving the SDS. He left on the 27 September 1997. After a six month break he began new duties. By 1998 he claimed extreme stress was affecting him and his family.

Peter Francis claimed that he retired from the MPS in April 2001 aged 36 and received a pension. He further states that he and an SDS colleague accepted an out of court sum in 2006, and that he received a commendation at New Scotland Yard in 2007.

10 The Chronology of Allegations

10.1 When considering the allegations Peter Francis makes, it is important to examine them chronologically, as they alter over time. The references made in the media to Officer A and Peter Black are all believed to relate to Peter Francis.

10.2 March 2010 - The Observer

On 14 March 2010, The Observer newspaper published a series of articles regarding the alleged role of 'Officer A' within the SDS. These included:

- That he had slept with two (2) members of his target group. This was not sanctioned; such activity among SDS officers – both male and female – was tacitly accepted and in many cases was vital in maintaining an undercover role.
- That he became the Branch Secretary of the YRE, and took part in the serious disorder that occurred at Welling in Kent, when the BNP bookshop was attacked.
- That the SDS targeted 'black campaigns'. These were pressure groups that had formed in response to various high profile events such as death in police custody and serious racial attacks.
- That his presence in groups was to prevent disorder by 'providing intelligence, you rob these groups of the element of surprise. If every time they have a demo, the agitators are prevented from causing trouble, they are less effective; once the SDS got into an organisation it is effectively finished. This effectively made justice harder to obtain.'
- That an undercover officer refused to come out of the field because he enjoyed being with his contacts so much, that he was willing to give up his police salary in order to stay with them.
- That an undercover officers cover was blown when he was confronted with his pseudonym's death certificate, and had to jump from a second floor window to escape.

On 21 March 2010 The Observer published a further article, detailing the covert work and nature of the SDS. This was attributed to 'Officer A' as it mentioned that this source had been the branch secretary of the YRE. The National Secretary of the YRE remembers Officer A well, but was 'furious' at the implication that the group was involved in violence. She said, '…we organised mass peaceful protests against racism and the BNP. In doing so, we often faced violence from the far right and the police.'

The article continued with an account from the chair of the YRE, at the time of Officer's A deployment, who commented about the use of 'police spies' and queried whether the SDS were still operational.

10.3 January 2011 - The Guardian Articles

On 22 January 2011, The Guardian newspaper published an article that undercover police officers routinely adopted a tactic of promiscuity with the 'blessing' of senior commanders. The same article alleged that sex was used as a tool to help officers blend in, and was widely used as a technique to glean intelligence.

On 19 October 2011, The Guardian newspaper claimed that if 'a police spy was in danger of being locked up; prosecutions of the officer and other activists would be mysteriously dropped'.

Between 19 and 26 October 2011 The Guardian published further articles identifying their source as a police officer who had worked on the SDS. He identified himself as Peter Black. 'Peter Black' alleged that prosecutions of undercover officers in role were allowed to go ahead as this helped to build their credibility. He also added that being prosecuted was part of their cover.

On 26 October 2011, Peter Black stated 'junior officers should not be made scapegoats or prosecuted for doing what they were authorised to do by their superiors.' He claimed there was a secret file listing details of the authorised crimes committed by undercover officers during their deployments, and that senior officers gave them retrospective authority to commit crime.

On 23 June 2013, The Guardian disclosed that their source for this and the previous 2011 reporting was Peter Francis. In this article he claimed he was the 'frontline of a mission to monitor and at times even smear the campaign for justice for Lawrence.' Peter Francis said that he and three (3) other SDS officers were tasked with gathering intelligence on groups campaigning for justice for Stephen Lawrence. This is the first occasion that any reference to 'smearing' is made.

10.4 June 2013 - 'Dispatches' Television Programme, Channel 4

On 24 June 2013, Channel 4 broadcast the programme 'Dispatches - The Police's Dirty Secret'. Peter Francis said:

- That his superiors wanted him to find 'dirt' that could be used against members of the Stephen Lawrence family, in the period shortly after Stephen's murder in April 1993. Also that he passed back hearsay about them to his 'superiors'.
- That the purpose of monitoring people visiting the Stephen Lawrence family home was in order to formulate intelligence on who was entering the house, as to which part of the political spectrum they were in. This was to determine maybe which way the campaign was likely to go.
- That 'they wanted any intelligence that could have smeared the campaign…

there is this general remit so had I, through my circles, come up with something along the lines of they, the family, were political activists, if someone in the family was involved in demonstrations, drug dealers, anything' … He said that he 'wasn't successful in doing this.'

- That the Family Liaison Officers assigned to the Stephen Lawrence family at the time of the murder of Stephen were passing back intelligence to Special Branch. He claimed that the SDS was asked to comment on the intelligence.
- That he and another officer went through the media material, and that he identified Duwayne Brooks participating in criminality. He passed this information through the same chain of command in Special Branch. This formed the decision to go and arrest Duwayne Brooks. He added that they (the chain of command) seemed 'pleased'.
- That it was part of his persona, that he was the sort of person who had 'casual sex'.
- That he does not see any circumstance that long term relationships, especially the fathering of children can be condoned or allowed. He stated that he believes that 'the use of casual sex by undercover police maybe warranted in very exceptional circumstances.'

10.5 Undercover Book Publication

On 25 June 2013, the book 'Undercover - The True Story of Britain's Secret Police' was released for sale.

The book refers to these allegations:

- Peter Francis had two short term sexual relationships with women whilst deployed.
- He and other SDS officers used the identities of dead children for their covert legends and that this was accepted practice.
- Senior officers wanted to 'smear' the Stephen Lawrence Family campaign. '...They were trying to tar Stephen Lawrence, if we could come up with anything like that, that was genius. We were trying to stop the campaign in its tracks.'
- The MPS resorted to 'appalling dirty tricks' to undermine the Stephen Lawrence Family.
- He was tasked to contribute to a concerted effort to 'find dirt' and 'malign' Duwayne Brooks who was becoming involved in anti-racist campaigning. It did not appear at the time Stephen Lawrence or his family could be undermined.

- He campaigned internally and argued strongly for the SDS involvement to be included in the Macpherson Inquiry and that the decision not to was taken 'at the top of Special Branch'.

10.6 18 September 2013 - Channel 4 News

On 18 September 2013, Peter Francis appeared on Channel 4 News. He told journalist Andy Davies that he wanted to clear up the 'ambiguity' around the term 'smearing'.

Peter Francis said, 'The word 'smear' if that implies at all anywhere in anyone's mind that would involve the word 'lying' that's what I would like to basically correct. Under no circumstances was my remit lie about any of this so, when I go out, what I am basically looking for is any solid intelligence on the family.'

Peter Francis continued, 'I was told expressly to look for any intelligence that could be used to undermine them.' (Stephen Lawrence family)

During this interview Peter Francis was asked, 'Is there a possibility that given what you've been through in the past, the nervous breakdown, the post traumatic stress disorder that your recollection of events of what actually happened , of what you were actually tasked to do has become distorted over time?'

Peter Francis replied, 'None whatsoever…because this is what my post traumatic stress disorder is all about. I relive incidents, I relived these things. This is what post traumatic stress is all about and I am hundred percent the…is correct. These are my nightmares, this is what I am trying to move on for, and this is what this is all about, this isn't Pete Black fighting them. This is Pete Peter Francis declaring what Pete Black did. I have no master anymore. The Metropolitan Police left Pete Black out there, they left him….'

11 Operation Herne

11.1 Operation Soisson commenced with four (4) members of staff in October 2011. Additional resources were provided in July 2012 following DAC Gallan's appointment as ACPO lead. Operation Herne now consists of thirty-seven (37) members of staff from the MPS, and six (6) external staff from the East Midlands.

The investigation is led under the direction of Chief Constable Mick Creedon. The Inquiry is managed on a secure computer system. All personnel have an appropriate level of vetting/security and have been subject to an inclusion policy.

Following the Dispatches programme allegations, Operation Herne made numerous attempts to contact Peter Francis. Initial contact was requested through The Guardian journalist. This was followed by two (2) written requests sent to his home address. When no response was received, Inquiry officers visited him personally. Peter Francis said he was awaiting some legal advice through The Guardian before making a decision as to whether or not he would agree to be interviewed. Peter Francis was informed that Operation Herne sought to interview him only as a witness. Any interviews would not be conducted under caution given the desire to treat him only as a witness and at no stage was Peter Francis threatened with prosecution.

11.2 Peter Francis made it clear that he wanted to be granted immunity from prosecution and he used the media to convey this point. The Operation Herne investigation team was advised by the CPS that it would not be appropriate to give Peter Francis any assurances with regard to immunity from future prosecution. The Senior Investigating Officer subsequently wrote to Peter Francis to inform him of this and to explain that, although immunity from prosecution would not be granted, he wished to interview him as a witness, not as a suspect. Peter Francis did not respond. He has since been interviewed by Mark Ellison QC and has refused to allow Operation Herne access to these transcripts.

Despite every attempt and all reasonable safeguards, Peter Francis has refused to engage with officers from Operation Herne and it has therefore not been possible to carry out an appropriately planned interview with him. Despite the many interviews he has chosen to give Operation Herne has not been able to fully explore, understand, test and even challenge the allegations he has made.

12 Investigation Operation Trinity

12.1 Following the allegations made by Peter Francis on 24 June 2013 within the 'Dispatches' programme and the subsequent publication of the 'undercover' book the priority for Operation Herne was tasked by the Commissioner to complete a comprehensive and timely investigation into his claims.

The Home Secretary had already appointed Mark Ellison QC and subsequently expanded his remit to include the Peter Francis allegations that related to the Stephen Lawrence Inquiry and the subsequent allegations made concerning Duwayne Brookes. Prior to the introduction of computers in the late 1990s within the SDS, it proved difficult to locate the original intelligence product submitted by undercover officers. A strategy was implemented to locate any reporting relating to the Peter Francis allegations, the Lawrence family and Duwayne Brooks.

Ten (10) separate MPS indices were identified which could hold material relevant to the Inquiry. These are detailed below.

12.2 Search Parameters

To ensure that any reference to the Stephen Lawrence family or Duwayne Brooks was identified, a comprehensive set of parameters was compiled. This included all reasonable permutations of spellings, and the potential for human error in the inputting of data. The Inquiry team completed up to approximately four hundred (400) individual searches in relation to significant individuals.

The following individuals were of significant interest in addition to Peter Francis as they were either undercover officer's deployed at the time of the allegations with potential to report on the family or the subjects themselves.

- Peter Francis
- N81
- N78
- N123
- Stephen Lawrence
- Neville Lawrence
- Doreen Lawrence
- Duwayne Brooks

12.3 Hard Drive

All data recovered from the thirty-eight (38) original computer exhibits was downloaded onto a 'stand alone' hard drive, to enable examination. This resulted in approximately fifty thousand (50,000) electronic files to be reviewed. The hard drive does not hold deleted material.

12.4 Forensic Tool Kit (FTK)

The Forensic Tool Kit (FTK) is a software program which allows the Inquiry to conduct a wider search within files seized from the exhibits. Specifically there is a facility to recover and view all deleted files.

12.5 Counter Terrorist Home Office Large Major Enquiry System (CT HOLMES)

This is a storage system which allows Inquiry teams to record and store a large number of documents. This includes images and other documentary exhibits. The Operation Herne account has recently merged the other strands of the investigation in order to simplify searching. The CT aspect means a higher level of access and security due to the protective marking of the documents the Inquiry are dealing with. HOLMES also incorporates ALTIA, which is the software used to scan and store documents.

12.6 Operation Fishpool

Operation Fishpool was the operation name given to the original Stephen Lawrence murder investigation. This HOLMES account includes the May 1993 Welling disorder as they are linked to key witnesses such as Duwayne Brooks.

12.7 SO15 Intelligence Records

SO15 manage a sensitive paper record storage and management facility which also contains historical Special Branch material. All reporting is graded at or above Government Protective Marking System (GPMS) Confidential and relates to SO15 matters. These files are not routinely available to other departments within the MPS.

12.8 General Registry

General Registry is the Metropolitan Police Services general archive. These records include personnel records, some crime reports and other material that has been deemed worthy of retention. This archive is subject to the MPS's retention policy.

12.9 Commanders Archive

The archive consisted of two (2) safes which historically stored sensitive files. Some of the reports relate to policy, whilst others are very specific (i.e. they relate to disciplinary issues and particularly sensitive operations).

12.10 Directorate of Legal Service (DLS)

Operation Herne has been permitted to review relevant DLS records

12.11 Personnel Records

Every member of MPS staff has a personnel record updated throughout their service. These are retained and archived at the conclusion of their employment.

12.12 Directorate of Professional Standards

The DPS internal database for storing allegations and investigations of misconduct and criminality.

12.13 CHIS records / references

The SDS Management team were proactive in regards to the implementation of Part II of RIPA (September 2000). In 1997 they made the decision to register SDS operations as Covert Human Intelligence Sources (CHIS). The rationale was to enable intelligence to be introduced safely, without attributing it to the SDS, for relevant product to be distributed onwards where appropriate.

Records have been researched for references to SDS undercover operations. A quantity of intelligence product files was recovered. This material has been further reviewed for relevance to the Ellison Inquiry and onward disclosure where relevant.

12.14 SDS Internal Guidance

Within the SDS paper records were a number of documents providing advice and suggestions on how to perform the role of a Undercover officer. These were compiled into a collection of folders including basic legislation and ideologies of the various groups.

13 Intelligence Submission Process from SDS to Special Branch

13.1 The SDS intelligence handling processes are not like the covert intelligence processes today whereby intelligence, although sanitised, can be attributed to a specific source through a series of firewalls. The process adopted within SDS and Special Branch in the mid 1990's means that great efforts were made to mask and protect the covert source and it is difficult to identify and confirm any specific intelligence.

Throughout deployment, intelligence would be recorded personally or via cover officers. This report would then be sanitised by the back office staff, to remove all references to the operative or the SDS. Anonymity would be ensured by the term 'Secret and Reliable Source'. A copy of the report would also be placed on the file of the organisation or individual subject of the intelligence.

Intelligence would normally be disseminated to a Special Branch 'C' Squad officer who would filter the product out to the relevant desk or department. On occasion this would be passed direct to a relevant interested party.

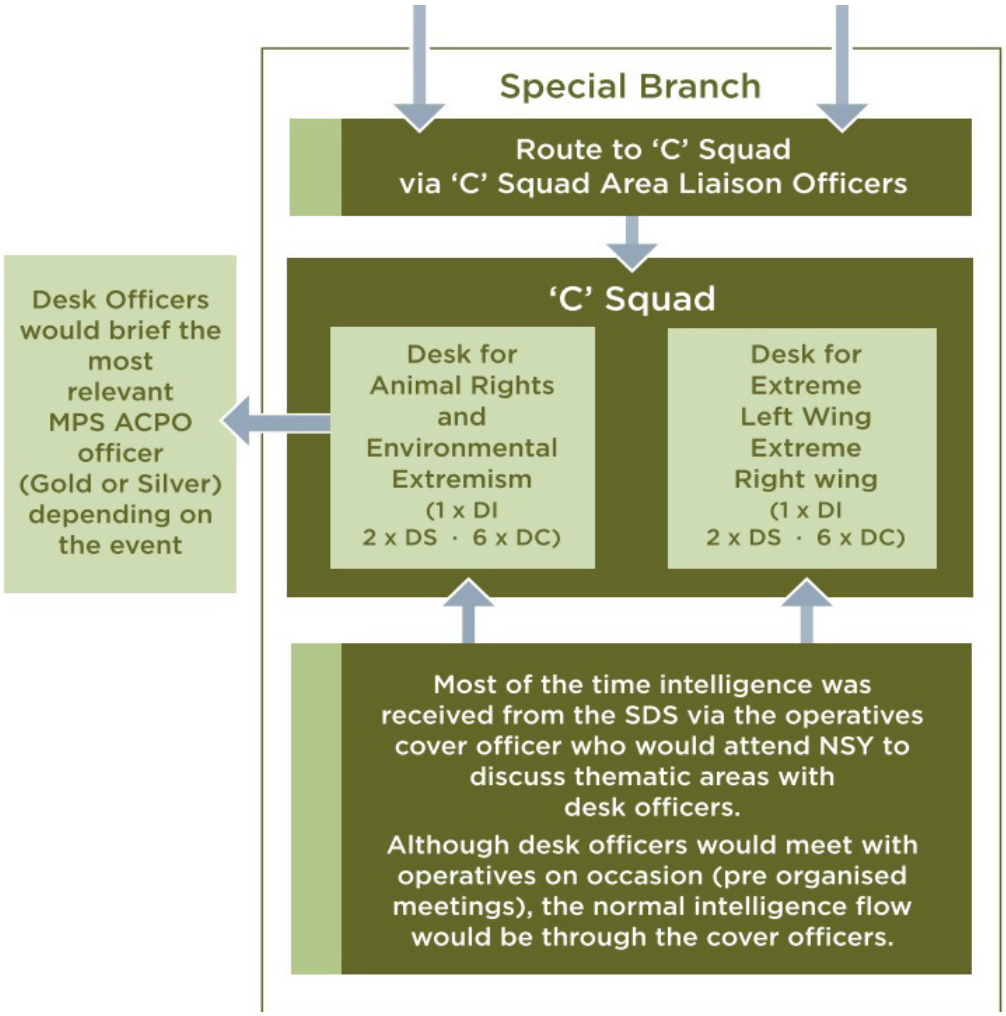
Pre 1998, records, documents, and intelligence files were almost exclusively paper based. N53 makes reference to the fact that they were responsible for instigating the use of computers within the unit at that time.

Operation Herne has interviewed officers who have worked on both 'C' Squad and the SDS in order to understand the intelligence flow between the two.

13.2 Prior to the introduction of computers raw intelligence product would be completed by the undercover officer and stored within an individual folder within the SDS Office. It would be sanitised by the SDS Detective Sergeant and then passed in a paper format to 'C' Squad on a weekly basis. Sometimes undercover officers could meet Desk Officers from 'C' Squad in order to address certain submissions. The sanitised product would go to the respective field desk such as: animal rights, far-left etc and if appropriate the intelligence would be passed on to the respective borough or department. Desk Officers would brief relevant senior officers in respect of the intelligence they required as and when the need arose. Operation Herne has not

located raw intelligence product files from any SDS operative prior to 1998. It would appear that dependant on the supervisors of the day, paper records would either be destroyed upon submission of product to Special Branch 'C' Squad or at the conclusion of an officer's deployment.

13.3 'C' Squad and SDS (1996-1998)



13.4 SDS Officers and the Identification of Suspects

One of the processes that Operation Herne examined was the identification of suspects by SDS officers. Often other MPS departments required identifications and the SDS was well placed to assist.

The SDS operative would be contacted by their cover officer or unit DI/DCI, and asked if they would be able to identify persons of interest. This could be at a number of different locations. It was unusual for SDS officers to attend police premises in order to complete identifications.

Routine desk officer identification was fairly frequent. Other identifications were

usually specific to large-scale disorder or events.

N40 stated, 'Images were viewed in a wide range of media - individual stills, spotting sheets of photos, albums of surveillance photos and occasionally video. Given that they were for intelligence purposes, these were not usually handled as exhibits.'

The identification of subjects and/or suspects was usually for one of two reasons;

1 Intelligence monitoring - all of the thematic desks were expected to know their key nominal subjects. Images from protests, demonstrations and occasionally surveillance were compiled in order to build up a picture of an organisation, its membership and intentions. When a new person arrived on that scene it was normal for the desk to ask SDS to view images to put a name and antecedent details to the face (for example, you might only know a first name, the type of vehicle they drove and membership of other groups but even that was useful to the thematic desks).

2 Suspect identification - Subjects were monitored because of their propensity for committing offences or creating the circumstances whereby offences would be committed. Post-demonstration reactive enquiries were normal business for the police. Special Branch, on the other hand, mainly concerned itself with pre-event intelligence. However, identifying subjects post-event to assist investigations was routine. The primary evidence for police in prosecuting public order offences is invariably imagery.

N10 recalled that officers from 'C' Squad would attend SDS meetings, and would bring images with them in order to assist in identification. This was on an intelligence only basis, and that the images maybe left in the SDS office for some time. This individual stated that if identification had been previously made, then the SDS would not look at the images and it would not come into the office.

14 Witnesses

14.1 To examine and investigate the allegations made by Peter Francis one hundred and fifteen (115) serving and former officers and members of staff have been interviewed as a priority. These witnesses range from the rank of Commissioner to Constable, and include individuals who managed and had oversight of the unit. All SDS staff who were operational throughout the period of Peter Francis' claims have been contacted and interviews requested. Officers involved in the intelligence collection and dissemination process have been interviewed as have a number of officers on the Macpherson Inquiry Team.

The initial intention was to treat all witnesses as significant and record their accounts on tape. However most individuals expressed concerns around their

personal safety and the potential to be identified by their voices. As a result written records of these interviews were completed.

Only five (5) potential witnesses have refused to speak or give an account to Operation Herne - this includes Peter Francis. This could be assumed to result from their fears regarding operational and personal security. The officer responsible for the implementation of SDS targeting strategy in 1993 is one of those who has also refused to speak to Operation Herne. Two (2) potential witnesses are dead.

15 The Change of Operational Focus of the SDS

15.1 In 1997 a new set of written instructions and guidance regarding the unit were issued. The report stated, 'If large scale public order events of one kind or another once provided a common focus for our endeavours, it is now overwhelmingly the case that we serve independent groups of customers with entirely distinct requirements. Very often these requirements entail the long term targeting of key individuals who have little or no interest in demonstrations.'

These instructions clearly show a change of direction for the unit. Customers are those that provide tasking requests. Requirements show the move away from targeting organisations to a focus on individuals.

'Equally, if weekends once regularly saw the majority of the team variously engaged with their target groups in London, these same intelligence requirements have now extended our field of operation well beyond the MPD (Metropolitan Police District). It is now quite usual to have operatives working in different parts of the country on the same day.' These instructions show the shift away from large scale public order infiltration to a more personal focus on individuals and the change of 'customers'. It is at this point that the Special Demonstration Squad was renamed the 'Special Duties Section' to reflect their widening remit.

15.2 The whole issue of how the SDS worked and was directed will be the subject of more detailed reporting in the future. What is clear from these instructions is that the post 1968 rationale for the unit had changed, and the focus was far wider, not just about public disorder and was often outside of the Metropolitan policing area. There are considerable implications in this policy position, not least the constitutional position of the Chief Constable responsible for policing within a defined geographic (force) area and the potential they would not know of covert activity in their area being carried out by another force. It is perhaps even more concerning and demonstrates the developing insular nature of the SDS that this

significant policy change appears at the minute to have been made by a junior manager with no apparent documented reference to MPS Executive or senior management – even within Special Branch.

16 Allegations by Peter Francis - sexual relationships

16.1 Peter Francis was reported as saying in The Observer in March 2011, 'He himself had slept with two members of his target group. Although not officially sanctioned, such activity among SDS officers – both male and female – was tacitly accepted and in many cases was vital in maintaining an undercover role.'

Peter Francis repeated this allegation between January and October 2011, when the articles were published and claimed that 'sex was used as a tool to help blend in'. Later, in the Dispatches programme Peter Francis said 'There was a couple of provisos come advice (in respect of sexual relationships) …one was make sure you use a condom, and it was given as an example by Bob Lambert because he referred to another officer who allegedly was tricked into having a child when he was deployed. And the other one was you shouldn't fall in love.'

Some individuals publicly claiming to have been SDS undercover officers have admitted involvement in inappropriate sexual relationships whilst deployed. There is evidence within the 'tradecraft' document which provides informal tacit authority and guidance for officers faced with the prospect of a sexual relationship. No evidence has been found of sexual activity ever being explicitly authorised and to date no evidence of sexual activity being utilised as a management supported tactic to aid infiltration has been found.

It has been identified that officers were provided with limited instruction and in effect left to make individual choices while operationally deployed. There is evidence of some managers within the SDS expressly forbidding sexual relationships. Officers have admitted to inappropriate sexual relationship whilst deployed undercover. There is no evidence SDS management between 1993 -1997 endorsed or authorised the activity. The 'Tradecraft' document provides advice recommending that if there is no other option officers should try to have fleeting and disastrous relationship.

On the 20 February 2011 legal advice was sought in respect of what offences, if any, may have been committed if an officer deployed undercover embarked on a sexual relationship with an activist. Counsel was asked to consider offences such as rape, indecent assault, and procurement of a woman by false pretences and misconduct in a public office. The written advice received was that in their opinion those offences were that the behaviour alleged did not amount to a sexual offence. There is no doubt that the conduct of undercover officers engaging in sexual relationships is complicated in that their training was unstructured and ad-hoc.

No allegations that Peter Francis engaged in sexual relationships have been received by Operation Herne.

Operation Herne is currently investigating allegations of inappropriate sexual relationships. Some women are currently engaged in civil actions against the MPS in relation to this. Only one (1) evidential account has been provided to the investigation.

16.2 Conclusion

There are currently a number of civil actions lodged against the MPS by several females alleging intimate relationships with undercover officers; Three (3) children are alleged to have been born as a result of these relationships. Operation Herne has contacted the solicitors concerned in order to speak to the claimants. Only one (1) evidential account has been provided. At this time the remaining claimants have not engaged with Operation Herne.

No contact or complaint has been received from any individual claiming to have had a sexual relationship with Peter Francis.

Independent legal advice has been sought in respect of what offences, if any, have been committed in these circumstances. No offences contrary to Sexual Offences legislation are deemed to be complete although offences of Misconduct in a Public Office might have been committed. There is no evidence at this time to suggest sexual relationships between undercover officers and activists were ever officially sanctioned or authorised by the SDS management.

However, documents suggest that there was informal tacit authority regarding sexual relationships and guidance was offered for officers faced with the prospect of a sexual relationship. This is an ongoing criminal investigation and an advice file has been submitted to the CPS for consideration as to whether the conduct alleged may give rise to potential criminal charges. Counsels' advice has been received that a consensual sexual relationship between an undercover officer and a subject is unlikely to be an offence under sexual offences legislation. A decision has yet to be made by CPS. This is not in respect of Peter Francis.

Irrespective of the more recent introduction of RIPA legislation and the improved training and management of undercover officers, there are and never have been

any circumstances where it would be appropriate for such covertly deployed officers to engage in intimate sexual relationships with those they are employed to infiltrate and target. Such an activity can only be seen as an abject failure of the deployment, a gross abuse of their role and their position as a police officer and an individual and organisational failing. It is of real concern that a distinct lack of intrusive management by senior leaders within the MPS appears to have facilitated the development and apparent circulation of internal inappropriate advice regarding an undercover police officers engagement in sexual relationships.

17 Allegation - Use of Deceased Children's Identities

17.1 On the 14 March 2010 The Observer newspaper published an article about the SDS. Under the pseudonym of 'Officer A', they disclosed details of his SDS deployment which included use of a deceased child's identity. They constructed their identity by using the same methods as Frederick Forsyth had described in 'The Day of the Jackal'. This involved the research of a dead child with a similar date of birth to themselves and then using this to create a credible covert identity.

Within the book 'Undercover - The True Story of Britain's Secret Police' Peter Francis claims he and other SDS officers used the identities of dead children for their covert legends and that this was accepted practice.

17.2 The Operation Herne report into this matter was published on 16 July 2013 and it showed that the tactic was used. It was officially sanctioned and was seen at the time as the most appropriate means of securing and maintaining the covert identity. The report explained that the tactic largely ceased towards the end of the 1990's and despite being seen by many as distasteful, it was not actually in contravention of any laws of the land nor any MPS or national policy guidance at the time.

The Commissioner has publicly apologised for distress the practice may have caused and has confirmed that deceased identities are no longer used by undercover officers.

18 Allegation - The SDS targeted 'Black Justice Campaigns'

18.1 The term 'Black Justice Campaigns' was commonly used at the time to describe high profile issues involving members of groups largely from minority ethnic backgrounds. They were sometimes named after individuals, but were also associated with minority communities. Many of the groups were launched by campaigners following a death in police custody, and some focused on stop and search, alleged miscarriages of justice, and perceived police racism. Some of the campaigns were seen by the MPS as a vehicle to promote disorder. In line with the overarching remit of the unit, the SDS infiltrated those groups they assessed to be violent protest groups who aligned themselves with these justice campaigns.

A source known as 'Officer A' claimed in The Observer in March 2010 that the SDS 'targeted black campaigns' that had been formed in response to deaths in police custody, police shootings and serious racial assaults. 'Officer A' also added that 'once the SDS got into an organisation it is effectively finished. This effectively made justice harder to obtain.'

The remit of the SDS was to obtain intelligence about violent protest groups and to stop violence in the Capital – it was neither an investigative unit nor about gathering specific intelligence to support another investigation – such as a murder investigation.

As N587 minutes in the 1985 SDS Annual Report, 'Questions are always being raised subsequent to major black racial disorder as to whether or not there was an organised political direction by black extremist groups.' He hoped, 'If our endeavours are successful we will be better placed to assess this element.'

It is important to highlight that a number of other campaigns that were not 'black justice' matters were reported on by SDS undercover officers because of the violent protest groups infiltrated by the SDS in connection with these campaigns.

18.2 Conclusion

SDS undercover officers were tasked into groups across the political spectrum of the day. This included both extreme left and right wings, racist and anti-racist groups, and animal rights groups. A tactic of 'entryism' was used by activists to

promote their own political agendas. It was inevitable that undercover officers would find themselves reporting on these groups that would become embroiled with their target organisation. There is no evidence to suggest that any SDS undercover officer was directly tasked into any 'Black Justice Campaign' associated to the murder of Stephen Lawrence.

There are occasions where undercover officers did provide material that would now be considered as 'personal information'. At that time, there was no relevant legislation to regulate such action as the concept of 'collateral intrusion' as clearly defined in RIPA had not been considered. The potential intrusion of SDS reporting was not limited to 'Black Justice Campaigns' and covered the political spectrum from left to right in support of their objective to gain intelligence surrounding violent protest groups. It remains relevant and important to repeat that SDS Undercover officers were not gathering evidence to support criminal investigations, but were seeking to gain intelligence with a view to stopping violent protest.

19 Allegation - SDS officers appeared at court in covert identities without the knowledge of the court

19.1 On 19 October 2011, The Guardian reported that, '…if a police spy was in danger of being locked up, prosecutions of the officer and other activists would be mysteriously dropped.' The source for these articles was named as 'Peter Black' who was later confirmed to be Peter Francis. Subsequent articles followed claiming that prosecutions were progressed in order to build undercover officer's credibility.

Given the nature of their work and their regular presence at public demonstrations, SDS officers were sometimes arrested in their covert identities, and in order to maintain 'cover' they would stay in the identity throughout the custody process. This was to enhance that cover with their companions and the organisations they infiltrated over the years. Between 19 and 26 October 2011 in The Guardian, 'Pete Black' alleged that prosecutions of undercover officers in role were allowed to go ahead as this helped to build their credibility. He also added that being prosecuted was part of their cover.

During February 2013, The Guardian published several articles about the alleged

use of deceased children's identities by SDS officers when appearing at court. Peter Francis does not provide detail about giving evidence in a covert name or refer to any arrests or prosecutions.

Over the forty (40) years of SDS operations, twenty-four (24) undercover officers are known at this time to have been arrested in their cover identities. Some were arrested more than once. Ten (10) undercover officers are known to have given evidence in court proceedings, two (2) of whom gave evidence as witnesses for the defence. Further enquires are still ongoing to ascertain the numbers involved and this will be subject of liaison with the Crown Prosecution Service and the Criminal Case Review Commission. Further detailed reporting on this issue will follow.

19.2 Conclusion

There are no allegations that Peter Francis appeared at court and gave evidence in any pseudonym although he does allege this practice took place within the SDS. No records have been identified that suggest Peter Francis was arrested or gave evidence in any pseudonym. Some SDS officers were arrested and subsequently attended court. One reason given was to maintain their cover. Documentation has been identified which supports the premise and is clear that the SDS management should have been informed of these occasions.

SDS officers were authorised to engage in minor criminality in order to maintain their cover. Operation Herne sought legal advice from Counsel in respect of what offences, if any, were committed by officers attending court in their false identities. The advice received was that as long as their identity was not subject to the charge and they did not lie under oath, no offences had been committed.

This aspect of Operation Herne is still being examined and will be subject of future detailed reporting to the Commissioner. Despite the generic advice obtained, Operation Herne is proactively examining the individual cases that have been identified. The investigation will also identify the potential impact of this practice to establish if any matter requires referral to and consideration by the CPS. Operation Herne is also in contact with the Criminal Cases Review Commission (CCRC) in relation to any potential miscarriages of justice that might be identified from the activities of the SDS.

20 Allegation - The SDS supplied intelligence to 'The Blacklist'

20.1 Blacklisting was the recording and management of a list of people identified due to their political stance or perceived disruptive/subversive activity within the workplace. This was maintained by a commercial enterprise known as the Economic League (EL), which closed in 1993. The Consulting Association (CA) was started by a former employee of Economic League's Services Group around this time. Both organisations were funded and supplied with information by subscribing member companies, and checked their records in order to make informed decisions regarding suitability for employment.

On 18 August 2013 in The Guardian, Peter Francis claimed that he gathered intelligence on Trade Union Activists and passed it to a 'black listing agency'. He claimed that he provided information regarding two specific individuals and that their details subsequently appeared on the 'list'.

The first notification received by the MPS into allegations of blacklisting stem from a complaint from Christian Khan Solicitors in November 2012. This was made on behalf of the Blacklist Support Group. They allege that the MPS and Special Branch (including SDS) were complicit in the supply of information to the Consulting Association and similar organisations. They asserted that this practice led to people being unable to obtain employment. In February 2013 the allegation was referred to the Independent Police Complaints Commission (IPCC) who initially elected to supervise the investigation. Between May and June 2013, they reviewed this decision and directed a local investigation, returning it to force to investigate.

Open source material was recovered and a number of key documents identified. It was established that the Scottish Affairs Select Committee (SASC) had previously held an investigation into the wider issue of blacklisting, in which many of the key stakeholders had given evidence. All of their discussions were published on the UK Parliamentary website.

In sworn testimony to SASC, a member of the Consulting Association stated that his organisation had no link to the police, although he admitted that its predecessor the Economic League did. The Economic League link was confirmed by a former head of intelligence for the group, who stated that he met various police officers on a relatively regular basis, but that any such discussions would not routinely involve individuals.

Much of the media coverage has focused on a statement from the Information

Commissioner's Office (ICO), in which it was claimed that much of the information could only have come from the police and security service. On request, the ICO have provided a copy of the seized blacklist and corresponding personal records.

There is no dispute that the individuasl named by Peter Francis appear on the blacklist. However, Peter Francis claims to have been deployed between 1993 and 1997. The CA record is dated from 1999, two (2) years after Peter Francis alleged deployment ceased.

SO15 records show one documented instance of the exchange of information between Special Branch and Economic League, dating from 1978. This related to a police enquiry about terrorism offences. The officer-in-the-case inadvertently disclosed the terrorism link to emphasise the importance of the inquiry. The Economic League recorded this disclosure as fact, leading to the individual being refused work at a later stage. A complaint was made which was investigated and subsequently corrected. This complaint was brought to the attention of both Assistant Commissioner Specialist Operations and the Home Office. This incident was widely reported in 1981, subject to newspaper reports and a Panorama programme.

On 3 November 1978, Special Branch issued a Memorandum to all officers in relation to the disclosure of information and how seriously they regarded it. It reiterated Metropolitan Police Standing Orders, Paragraph 13 that prohibited searches of Special Branch on behalf of commercial organisations. It also documented that such 'improper' disclosure constituted a disciplinary offence. This memo came directly from the then Head of Special Branch.

20.2 Conclusions

Operation Herne has established that the individuals identified by Peter Francis appear on the blacklist. However, Peter Francis claims to have been deployed between 1993 and 1997. The CA record is dated from 1999, two (2) years after Peter Francis alleged deployment ceased.

There is no evidence to suggest that SDS exchanged any information with either the Economic League or the Consulting Association. Twenty (20) test records have been highlighted by the ICO as being the most likely to be the result of police information. These records have been investigated, revealing numerous alternative sources for information. A Special Branch officer has stated in interview that, 'The flow of information was purely one way' the Economic League were a 'conduit of information' driven by their sense of 'civic duty'. The Economic League was treated as a source of information. It was not Special Branch policy to pass information to

them or any other external organisation. There is no evidence that any information reported by SDS operatives was ever shared with the Consulting Association.

The investigation into this matter continues and will be subject of reporting to both the complainants and the Commissioner.

21 Allegation - SDS officers were tasked to gain information on the Stephen Lawrence Family

21.1 In June 2013 during the Dispatches broadcast, Peter Francis claimed that he was tasked to 'smear' the Stephen Lawrence family campaign. He said, 'They wanted any intelligence that could have smeared the campaign…so had I, through my circles come up with something along the lines of they, the family were political activists, if someone in the family were involved in demonstrations, drug dealers, anything… There were rumours and conjecture at the family itself may have not been a loving caring home. That was passed on about the family that could have, may have been used if they were really desperate to try and smear the family…'

Widespread reporting and understandable public concern followed this allegation, and it was of interest to the Home Affairs Select Committee and the Home Secretary. In order to investigate his claims Operation Herne had to identify and revisit key witnesses, including operatives, supervisors and managers within the SDS, along with Special Branch officers engaged in the tasking and intelligence process. Operation Herne also interviewed senior officers within Special Branch, members of the Stephen Lawrence review team and the Commissioners of the day.

21.1.1 Operation Herne has reviewed all available documentation and evidence within its indices. These included all tasking strategies, SDS deployments and any document that related to SDS reporting on the Stephen Lawrence family. Evidential opportunities, lines of enquiry and witnesses were identified. Search parameters were set within the time frame of 1993 to 2005. Operation Herne searched both

permutations of Stephen's first name, and four (4) permutations of his surname. Searches also included Doreen and Neville Lawrence. These were examined to determine what the tasking and reporting entailed and if there was any evidence of 'smearing'.

21.1.2 On 18 September 2013, Peter Francis appeared on Channel 4 News. He said that he wanted to clear up the 'ambiguity' around the term 'smearing'.

Peter Francis said, 'The word 'smear' if that implies at all anywhere in anyone's mind that would involve the word 'lying' that's what I would like to basically correct. Under no circumstances was my remit [to] lie about any of this so, when I go out, what I am basically looking for is any solid intelligence on the family…. I was told expressly to look for any intelligence that could be used to undermine them.'

21.1.3 On 5 November 2013 Operation Herne interviewed Lord Paul Condon, the Commissioner of the day. He had no memory of any suggestion of any undercover work linked to the Macpherson Inquiry. Lord Condon stated that he was deliberately "ring fenced" because of the sensitivity of the Inquiry. This meant he was remote from it and it was dealt with by other senior officers under his command.

Lord Condon stated that he had no knowledge of a connection between the undercover officer, Macpherson and Lawrence and found the allegations toxic.

In his interview Lord Condon discussed the political arena in 1993, the events surrounding the murder of Stephen Lawrence and the activity of the extreme left and right-wing organisations. He also commented about the build up to the Welling disorder in May and October that year, and how he had genuine fears of death and serious injury to people. He believed that there would therefore be legitimacy in the monitoring of the extreme left-wing. In respect of Peter Francis's allegations of 'smearing' the Stephen Lawrence family, he said that there was no rationale for this and that no-one would have tolerated the accusations.

21.1.4 On 15 October 2013 N183 was interviewed by Mark Ellison QC. He said he was a DI on the Macpherson Inquiry Team and was part of the organisational response set up to implement change as a result of the criticism levelled against the MPS. Commander John Grieve formed the Racial and Violent Crime Task Force (RVCTF) and one of their tasks was the responsibility to re-investigate the murder of Stephen Lawrence. He was tasked to complete a thorough review of material from the original murder investigation. John Grieve was to directly advise the then Commissioner, Sir Paul Condon.

21.1.5 N183 recalls a conversation with an SDS officer arranged via Commander Black from Special Branch. N183 quoted Commander Black from memory saying he 'had some coverage as you can imagine, on the periphery around the Lawrence Family because we are concerned about extremist groups infiltrating the Lawrence campaign, and we are also concerned about extremism on the back of the Lawrence campaign, driving public order.' Commander Black also told him 'we need

a conduit to ensure that anything you pick up, particularly from SDS can be fed into support your re-investigations of Lawrence, Menson and Ricky Reel….we need to be absolutely certain that John Grieve got the whole story and whole picture. As you know. . . , we have got good coverage…Are you comfortable in receiving intelligence related to the SDS at this time?' N183 confirmed they were.

N183 recalls Commander Black stated, 'Look, we will do it, it will not be on paper. It will be personal briefings to you.' N183 agreed with this arrangement and recollected a meeting with N10 and N81. N183 knew N10 from Special Branch 'C' Squad. N183 confirmed that they met N81 once.

21.1.6 Commander Black wrote 'D/Supt S Thank you. These papers confirm that SDS, is as usual, well positioned at the focal crisis points of policing in London. I am aware that N183 of CO24 receives ad-hoc off-the-record briefings from SDS. I have reiterated to N183 that it is essential that knowledge of the operation goes no further. I would not wish N183 to receive anything on paper. I have established a correspondence route to DAC Grieve via N406, formerly of SO12, and opened a SP file for copy correspondence with CO24. It will, of course, fall to 'C' Squad to provide the bulk of that material they will undoubtedly consult SDS as appropriate. Signed 14.09.98.'

21.1.7 N10 created the following report:

'On Friday 14 August, I had a meeting with N81 and N813. N183 is currently working with the Stephen Lawrence Review team. N81 talked about the Stephen Lawrence Inquiry from a (details of the target group removed) perspective and N183 from theirs. It was a fascinating and valuable exchange of information concerning an issue which, according to N183, continues to dominate the Commissioners Agenda on a daily basis.'

21.1.8 N183 thanked N81 for their invaluable reporting on the subject in recent months. An in depth discussion enabled N183 to increase their understanding of the Lawrence's relationship with the various campaigning groups (Details of target group removed) - this, N183 said, would be of great value as they continued to prepare a draft submission to the Inquiry on behalf of the Commissioner. (Details of target group removed) future plans were also discussed at some length.'

N183 explained a lot of the behind the scenes politics involving the home office. It emerged that there is great sensitivity around the Lawrence issue with both the Home secretary and the Prime Minister extremely concerned that the Metropolitan Police could end up with its credibility - in the eyes of London's black community - completely undermined. N183 explained the three main areas that N183's team are addressing:

1 How to respond to the charge of Institutionalised racism: Here the team seems likely to admit the essence of the charge. What is exercising their minds is merely the terminology to use. There is a preference for phrases like 'unconscious racism' and 'a lack of understanding of black culture'. The team realises that, however expressed, such a frank admission of failure will shock many serving police officers who have, thus far, been fed a much more upbeat response to the enquiry in the Job.

2 How to handle the second stage of the Inquiry: N183 explained that the Commissioner plans to stage a series of public forums in the months ahead at which he will attend personally and set out the Met's position. One proposed venue was Lambeth Town Hall and N81 was able to advise N183 of the vulnerability that such a meeting would have to disruption from (Details of target group removed) and local black youth. As regards to the second stage itself, there continued to be daily discussions within N183 office as to the best tactics to adopt. The question of the Commissioners resignation and that of his assistant Ian Johnson is regularly addressed.

3 How to regain the confidence of the Black community: Commander Grieve is now in charge of post Lawrence Black Community relations and is clearly hoping to be able to draw a line under the affair and work towards a more positive relationship. N81 was able to highlight the enormity of this task as regards sections of the black community in and around Brixton. They were able to provide N183 with some specific and positive information as regards those community groups who might be prepared to build bridges.'

21.1.9 N183 also explained however Home office was very sensitive about the wider implications of the Lawrence case, in particular, the potential for rioting or disorder by sections of the black community in the wake of an irretrievable loss of confidence in the police. Allied to this, was a concern about the damaging effects of sustained political pressure from hard left and anti-police elements. N10 18 August 1998.'

On 4 February 2014, N183 provided further clarity to Operation Herne regarding their recollection of the N81 meeting. N183 suggested that at the time of the meeting they already started a new role in CO24 and believed the record of N10 contained inaccuracies. N183 stated they had no suspicion that the undercover officer was close to the Lawrence family. The officer could not recall informing their line management in CO24 of the meeting explaining the meeting was at the behest of a commander in SO. N183 could only recall receiving one single briefing and saw nothing from SDS or any other stream that was intelligence relating to the Lawrence family.

21.1.10 N81 was a undercover officer on the SDS at the relevant time. N81 was deployed into extreme left-wing groups associated with violent protest. Operation Herne has identified a number of intelligence reports submitted during the time of the

Macpherson Inquiry by N81. N81 has provided a statement and said they were never tasked into the Stephen Lawrence Family at any time, or asked, instructed or ordered to 'smear' the family or the names of Stephen Lawrence or Duwayne Brooks. Intelligence suggests Duwayne Brooks saw some of the protest groups as a way to support his cause and so he attended a few demonstrations. These protest groups wanted to befriend the Stephen Lawrence family in order to promote their own agenda; however this was not successful due to shielding from Suresh Grover and lawyer Imran Khan who wanted peaceful public support.

21.1.11 Examination of documents available show that N81 reported on personal information regarding Doreen and Neville Lawrence. N81 states that they were given information by a third party regarding Doreen and Neville Lawrence and included this intelligence in subsequent reporting. This information would have been seen to have been of significance to DAC Grieve who was in regular contact with the family in his role within the MPS. It is acknowledged that this information could be considered as personal. There is no evidence to suggest this intelligence was universally disseminated and was a matter brought to the attention of N81 within the group infiltrated

21.1.12 The collection and use of such intelligence would now almost certainly be considered as 'collateral intrusion'. Accepting this modern standard, at the time it was the role of the SDS undercover officer to report all information, and not to differentiate between what may have been personal or private matters. Such methods now require the authority of a senior officer. RIPA introduced specific methods to manage the collection of private information.

21.1.13 In interview N10 said, 'I had pretty sort of intensive briefing when I started so therefore I can be reasonably confident that the allegation of smearing the Lawrence family wouldn't have arisen during that previous six months' (speaking about the period from the murder of Stephen Lawrence to when N10 started, April to October 1993)

N10 also stated that the suggestion of targeting the Stephen Lawrence family was 'a ridiculous idea.'

N10, 'without question, my recollection is that the SDS was principally concerned with issues of violent disorder, issues of clashes between the right and the left were the day-to-day SDS priorities….you know at the time, some of our targets…. who were being proportionally targeted, according to agreed targeting strategies at the highest level… they are shown to be infiltrating campaign groups. In this case, the Lawrence campaign…'

21.1.14 N216 was spoken to about the allegations of smearing the Stephen Lawrence family, the targeting of Duwayne Brooks and the withholding of information from the Macpherson Inquiry. N216 statement was, 'I was outraged by Peter Francis'

suggestion…. It was certainly not something which I would have sanctioned and I do not recognise it as anything my contemporaries would have countenanced.'

N78, who was a Undercover officer on the SDS at the relevant time stated in an account given to Operation Herne, '…that they never heard, saw or expected anyone in SDS to have said anything along the lines of: 'We want the dirt on the Lawrence's.' This would not have been in SDS' remit.' N78 continued, 'These extremist organisations were very manipulative, calculating and cynical in their approach to causes and campaigns. As regards the 'Lawrence Campaign', almost every anti-establishment/left-wing group wanted to be associated with it, for its own ends.'

21.1.15 N72 stated in their account on 23 March 2013 that they 'knew' that N81 was 'tasked to the Stephen Lawrence Inquiry and this would have come directly from Sir John Stevens, who gave the go ahead.' N72 claimed, 'that tasking and discussion were done separately away from normal SDS meetings.' and that these were protected by what they call 'Chinese walls.'

21.1.16 The Commander of Special Branch at the time, stated in an account to Operation Herne 'A vital role of Special Branch is to gather secret intelligence against security targets, analyse the product and reassess the security threat. On that basis, the notion that SDS officers would have been tasked to 'smear' Neville and Doreen Lawrence or the Campaign is abhorrent. I have never heard the word 'smear' used in the context of our Special Branch work and believe the allegation to be unfounded. It is likely that SDS officers were tasked to gather intelligence on activists of the extreme left and right who sought to exploit the Campaign for their vested political ends. Such authorisations would have been intended to protect the integrity of the Campaign, not undermine it.'

21.2 Conclusion

SDS undercover officers reported on potentially violent protest groups surrounding the Stephen Lawrence Campaign - as well as many other violent protest groups and campaigns across the Capital. There is no documentary or verbal evidence whatsoever that supports the allegation that any SDS undercover officer was tasked or directed into the Stephen Lawrence family or its campaign. None of the intelligence records attributed to the groups that Peter Francis claims to have infiltrated contain reporting on Stephen Lawrence, the Stephen Lawrence family or

its campaign. There is no evidence or suggestion that any undercover officer ever met with or engaged with members of the Stephen Lawrence family

An SDS officer does make reference to N81 being tasked into the 'Stephen Lawrence Inquiry' and that this tasking was separate from normal SDS meetings. This officer was not part of the SDS at the time of the Stephen Lawrence campaign or during Peter Francis's alleged deployment. N72 recollection is also refuted by N81 who stated in their account that they were not tasked directly into the Stephen Lawrence family or campaign. Therefore their account can only be treated as hearsay.

21.2.1 There is no doubt that attempts were made to influence the Stephen Lawrence Campaign by a number of violent protest groups assessed by the MPS as having the potential for violence. However, these efforts were resisted by key advisors to Mr and Mrs Lawrence, such as Imran Khan and Suresh Grover, who sought to maintain the campaign as wholly peaceful. Operation Herne has been unable to find any evidence that SDS undercover officers were tasked to 'smear' the reputation of the Stephen Lawrence family. N10 and N81 stress that the intention and actions of the SDS were to indirectly support the Stephen Lawrence family. Former SDS Undercover officers and Special Branch officers all maintain that smearing 'was not what Special Branch was about.'

21.2.2 There was reporting by N81 who recorded personal intelligence regarding Mr and Mrs Lawrence that was not widely known at the time. Whilst this is undoubtedly personal information and would today be classed as collateral intrusion and unnecessary it would be entirely appropriate that the SIO conducting the investigation into Stephen's murder was given this intelligence.

It is clear that N183 had a significant role to play and Operation Herne is concerned about the intelligence N183 was given and the failure to disclose this to the broader MPS response in to the Macpherson Inquiry. N183 was an Acting Detective Inspector (A/DI), a middle ranking role with significant responsibilities. N183 was employed to look at the organisational response to the Inquiry, but through Commander Black, was given direct access to covert sources within the SDS.

N183 met on at least one occasion with a manager and undercover officer and was given 'direct and off the record briefings – along with a clear instruction from Commander Black that 'knowledge of the operation goes no further', N183 'should not receive anything on paper.' This meeting was clumsy and inappropriate.

21.2.3 Unless the documents are false and the recollection of N10 and N81 is flawed, it is clear that N183 fully understood the significance of the Macpherson Inquiry. Records show that N183 commented on the personal interest for the Home Secretary, the Prime Minister and the Commissioner. N183 does not appear to have considered

the disclosure aspects nor the clear conflict in receiving the covert reporting whilst the Inquiry was 'live'.

21.2.4 Operation Herne has looked specifically at the issue of undercover activity against the Stephen Lawrence family and was not charged to consider issues such as those commented on above. Nevertheless, there is a clear conflict in the role N183 had as an A/DI working on the MPS response to the Macpherson Inquiry and the covert, sensitive and 'off the record' unrecorded briefings N183 was receiving from SDS management and staff. It is considered that this matter does require proper and further investigation.

Following the accidental disclosure of an appendix from the Macpherson Inquiry, containing witness and security information an officer from the Witness Protection Unit (WPU) was assigned by DAC Grieve to the Mr and Mrs Lawrence. This officer's role was to assist and provide advice to the Mr and Mrs Lawrence regarding their personal security and safety. Their assignment began on 23 September 1999. As a result, the officer had unequivocal access to both Neville and Doreen Lawrence and their family.

21.2.5 The officer maintained a log of advice and actions. These revolved around the security of the family and contained no anecdotal information. The officer was in a unique position of having detailed knowledge of the family and could easily have gained far more information than any complex covert undercover officer intrusion through an associated pressure group. In an account provided to Operation Herne it was confirmed that N315 was never approached by any member of the MPS or asked for personal information or rumour surrounding the Stephen Lawrence family.

22 Allegation - Family Liaison Officers (FLO) assigned to the Stephen Lawrence Family reported intelligence to Special Branch

22.1 At the time of Stephen Lawrence's murder there was no formal definition or training for the role of Family Liaison Officer. Accredited training was introduced post the Stephen Lawrence investigation. Prior to this, officers were referred to as Victim Liaison Officers, whose primary function was that of an investigator. The role involved facilitating contact between the family and the enquiry team.

'Victim Liaison Officers' were provided to the Stephen Lawrence family when Stephen was murdered on 22 April 1993. Peter Francis alleged that these officers reported back personal information to Special Branch during this time.

Peter Francis alleged during the Dispatches broadcast 'The family liaison officer who was in Stephen Lawrence's house was taking all the details of all the family members who were there, all the visitors who actually gave their details. This was then passed to the area Special Branch, the area Special Branch then passed it through the Special Branch to the Special Demonstration Squad and we were asked to comment on these individuals whether or not in their words they were politicos or what, who, they were.'

22.1.1 When Peter Francis was asked whether he, or any other SDS officers were then to give intelligence about that individuals political persuasion who had visited the Stephen Lawrence family during this time, he replied 'one hundred percent because that would then allow us to make the assessment which way this campaign was likely to go in the public disorder arena.'

DS John Bevan and DC Linda Holden were identified as performing the role of family contact officers in April 1993. They performed this for the first ten (10) days of the murder investigation. DS John Bevan had not been deployed before whilst DC Linda Holden only had minimal experience. Both are retired and have been interviewed by Mark Ellison QC. Both deny this allegation of passing information back to Special Branch. The role of liaison officer was subsequently assumed by Senior Officer on 6 May 1993. He took over following a meeting with the family and Imran Khan. He recorded his rationale under policy file note 37. He indicated that the family and their solicitor, did not want any victim liaison but requested a weekly meeting with the Senior Officers involved. He thought, that as the Stephen Lawrence family wanted information, he was the best person to provide it.

22.1.2 Operation Fishpool records refer to a Special Branch Liaison Officer. This individual has been identified as PC Alan Fisher, Plumstead's Racial Incidents Officer (RIO). PC Fisher confirmed that he was appointed shortly after the murder to be the liaison between Special Branch and Operation Fishpool. This role involved him passing details of potential suspects and right wing groups to Special Branch reserve. During the investigation he was contacted by Special Branch officers as to whether he knew of particular named suspects. At the time of the murder he was unaware of the existence of the SDS and had no contact with any officer from the unit. Mr Fisher was adamant that any request for information submitted to Special Branch to him would have been on an official HOLMES major incident action form and

returned as such.

22.1.3 All available SDS records to date have been searched for references to the officers and against a list of names supplied by Mark Ellison QC. No trace has been found of the names within SDS reporting. Due to the covert nature of the SDS other MPS departments would not be aware of their existence. This included Senior Investigation Officers (SIO).

The current role of a FLO is a specialist and investigative function. This involves the day-to-day communication between the family and the enquiry team. They gather evidence and information from the family in a sensitive manner. This contributes to and preserves the integrity of the police investigation/action. A FLO co-ordinates response to the needs of families. They ensure that family members are given information about support services and that referrals are made to Victim Support (VS). It is recognised now, nationally, that the primary role of the FLO is 'an investigator'.

22.2 Conclusion

Operation Herne identified that DS John Bevan and DC Linda Holden performed the role of 'victim liaison officers' to the Stephen Lawrence family following the murder of Stephen. The Macpherson Inquiry said that there were 'a large number of people who surrounded Mr and Mrs Lawrence in the very early days.' Both DS Bevan and DC Holden asked these visitors to 'identify themselves' and to say what organisation they represented. Both deny this allegation of passing information back to Special Branch.

The role of 'family liaison officer' was in its infancy at the time of Stephen Lawrence's murder. The current role of a FLO is a specialist and investigative function. This involves the day-to-day communication between the family and the enquiry team. They gather evidence and information from the family in a sensitive manner. It is recognised now, nationally, that the primary role of the FLO is 'an investigator'. It is known that the officers recorded names of visitors, in accordance with her role. All available SDS records to date have been searched for references to the officers and against a list of names supplied by Mark Ellison QC. No trace has been found of the names within SDS reporting.

There is no evidence or suggestion that the victim liaison officers or FLO's passed any information to Special Branch.

23 Allegation - Smearing of Duwayne Brooks

23.1 During the Dispatches programme, Peter Francis claimed that as the SDS could not find 'dirt' on the Lawrence family, they then looked to target friends and those associated with the family such as Duwayne Brooks. He said, 'We did start to look at Duwayne (Brooks) to see if there was a possible way that we could then smears the best way his campaign via a different direction… myself and another SDS officer went through the material we had, the media we had and between us we'd identified him participating in some criminality, perceived criminality, this was then sent through the same chain of command, Special Branch DI, DCI, out to division, and again the decision was obviously made to go and arrest Duwayne for said offences.'

Peter Francis claimed that in respect of his alleged supervisors, 'yes they did seem pleased that we had found out… and I think it also provided the first in ever in the Stephen Lawrence Campaign. This is a clear whiter than white campaign, it can't be tarnished, the public is all behind it and all of a sudden Stephen Lawrence's friend was actually a violent activist.'

23.2 Conclusion

Operation Herne has reviewed all the material in its possession, including computer and documentary records. The search parameters consisted of twenty-seven (27) different permutations of Duwayne Brooks' first name, and ten (10) on his surname. Potential witnesses, managers and undercover officers were identified and interviewed about this aspect. The Inquiry has identified forty one intelligence reports that referred to Duwayne Brooks. These were examined to determine what the reporting entailed and to identify if there was any evidence of 'smearing'.

Duwayne Brooks was present on 22 April 1993 when his friend Stephen Lawrence was murdered in Eltham. On 7 May 1993, he attended Southwark Identification Suite, to take part in an identification parade relating to Stephens murder. PC Simon Bull from the Territorial Support Group (TSG) was also in the suite to find volunteers for the identity parade that involved suspects for the murder of Stephen Lawrence. PC Bull noted Duwayne Brooks and his distinctive clothes.

On 8 May 1993, serious public disorder took place in Welling, Kent. The YRE attended a march against a BNP premises. Approximately four thousands

demonstrators took part in the march which broke down into clashes with both the police and far right activists. 42 police officers were injured , acid was thrown, thirty buildings were seriously damaged, shops looted and numerous cars were damaged. Following the disturbances, 25 people were arrested as part of an investigation and charged with various offences connected with the incident. Duwayne Brooks was present during the disorder and is alleged to have damaged a BMW vehicle and was armed with a stick. Footage of the riot was recorded by evidence gatherers. The subsequent investigation into the disorder was called 'Fewston'.

24 Operation Fewston Identification Process

24.1 DI Roger Bailey was from Orpington Borough and was seconded to Operation Fewston. He became the deputy SIO investigating the public disorder and formalised the identification process. The viewing room was set up by DC Eleanor Greenhough on 24th June 1993, and this comprised of eighty-four (84) colour photographs on six (6) display boards. Viewing of images consisted of reviewing both video evidence and photographic evidence. DC Greenhough was responsible for compiling a schedule of numbered suspects, from one (1) to fifty-five (55) Thirty-three (33) of the images were 'stills' taken from two (2) videos of the disorder. Fifty-one (51) were images taken by police evidence gatherer.

DI Bailey completed a set of 'Standing Orders' detailing instructions for the viewing of photographs at Southwark Police Station. These are recorded under Action 229 in the Operation Fewston Account. The instructions formed of:

1 An introduction and purpose sheet from SIO.

2 A Witness Pro-forma.

3 A Witness Information Sheet.

4 Op Fewston ID Suite Standing Orders.

24.1.1 On 8 June 1993 a witness appeal was sent out to MPS officers who were on duty at the disorder. PC Bull responded to the appeal and completed an appeal pro-forma. Action 350 was created on the 30 June 1993 to 'arrange PC 308SE Bull to view video/photos'. The action detailed '3TSG Officer on serial U323 at march who saw disorder & could possibly identify persons responsible'. The action was allocated on 30 June 1993.

PC 130RY Lucy Burrows updated the action on 30 July 1993 with the following information: 'Appointment made at Welling identification Suite had to be cancelled by viewing officer due to key for suite missing. PC Bull has since been engaged on other operations and has been unable to attend.' This entry was noted by DC Greenhough.

On the 7 September 1993, Action 474 was created to arrange for PC Bull to view video/photographs, on direction of DI Bailey. On the 13 September 1993, it was allocated to DC Greenhough.

On 23 September 1993 at 2.50pm, DI Bailey completed the action by recording result: 'Attended MD 22-9-93 who viewed photographs and videos and identified suspect no 54 as Dwayne Brooks. Statement obtained.' This is recorded as Statement S267. There is a note at the top of the action 'Not Disc'.

After all available witnesses had viewed the images, a circulation of the clearest photographs were disseminated via Police Gazette Special Notice 03/09/93. This was disseminated to all police stations. This contained eleven (11) pictures of suspects. The image identified as Duwayne Brooks (suspect 54) was not one of them.

24.1.2 On 8 October 1993, Duwayne Brooks was arrested, interviewed and charged with violent disorder and criminal damage to motor vehicle. He appeared at Bexley Magistrates Court on the 12 October 1993. On the 16 October 1993, a second demonstration took place at Welling. It is evident that SDS officers attended the October 1993 demonstration. The case against Duwayne Brooks was stayed in 1994.

In his report, when referring to the Violent Disorder/Criminal Damage matter from 8 May 1993, Sir William Macpherson said 'It should here be said that there was clear evidence of the actual conduct which founded that prosecution.' The defence depended upon medical evidence which indicated that Mr Brooks was already and understandably affected and disturbed by 8 May as a result of his terrible experiences. It was proposed that the difficult defence of automatism should be raised. That resulted in the obtaining of the opinions of all officers who had been in contact with Mr Brooks since the murder by means of questionnaires.

On 7 February 2014 PC Bull was interviewed by Operation Herne and he described the process above. He had no knowledge about the loss of the keys to the suite and attended the suite as soon as practicable. He has no knowledge of any other subsequent or prior identification concerning Duwayne Brooks.

On 14 February 2014, DI Bailey was interviewed. He said that the time delays within the identification process were due to the collating of footage from third parties. He

did not have any Special Branch liaison or any contact with them. He was unaware of any Special Branch intelligence that would have contributed to the identification of Duwayne Brooks.

24.1.3 N40 said in respect of contact between the SDS and the team: 'investigation teams and third party units never had access to SDS officers, or indeed knew that SDS existed.' The Investigation team would not have known about the SDS. N40 also said, 'SDS was assisting in identifying persons arrested in criminal offences as part of a police strategy to prevent public disorder.'

N10 states that Duwayne Brooks was not a specific named target or formed part of any targeting strategy. N10 does confirm that part of the role of the SDS field officer was to assist in identification of offenders concerned in serious disorder.

As Duwayne Brooks was subject of press interest and a significant witness in the Stephen Lawrence investigation, any such intended arrest was brought to the attention of chief officers. N10 stated in interview, 'it was not in the service's interest to smear or conduct such operations to smear.'

N10 states that Duwayne Brooks was not 'targeted' specifically. The officer said that the SDS would be tasked to assist in identifications appeals concerning large scale disorder, and so it would be normal for SDS officers to review footage of the Welling disorder. N10 does not recall any SDS officer making any such identification concerning Duwayne Brooks from Welling in May 1993.

N216 said in respect of the targeting of Duwayne Brooks 'SDS activity targeting individuals in a public order context may have brought certain officers into contact with, or in the close proximity of Duwayne Brooks, but, if that did happen, this would not have been in response to the murder investigation, or any connection with the family.'

24.2 Conclusion

There is no documented evidence of any involvement of any SDS officer in the formal identification of Duwayne Brooks for his alleged involvement in serious public order offences at the Welling bookshop. There are however complete records including statements and identification material that provides robust evidence that the identification of Duwayne Brooks in September 1993 was an evidentially sound procedure carried out by other non SDS officers that adhered to policy. This premise is further supported by Peter Francis's own alleged timeline of deployment which claims that he was deployed in September 1993 and reported on the subsequent demonstration at Welling (October 1993)

It was not an uncommon practice for the SDS operatives to become involved in

intelligence gathering identifications post public disorder. They were ideally placed in these events and had the potential to identify nominals known to them through their covert deployments. It is highly likely that SDS undercover officers were tasked to view images from the Welling Riot in October 1993. It is known that most SDS undercover officers were deployed at Welling and reported on the extreme violence between both left and right-wing.

There is SDS reporting on Duwayne Brooks. This related to general intelligence regarding his interaction with the protest groups infiltrated by the SDS. Some of this reporting is not connected to public order. However, there is no evidence of any intention to smear his reputation.

25 Allegation - Withholding material from the Macpherson Inquiry

25.1 Following the failed police investigation into Stephens murder, the then Home Secretary Rt Hon Jack Straw MP announced in July 1997 that an Inquiry would be launched. The original objective was to review the police investigation and to learn lessons to assist with the investigation of racially motivated crime. Sir William Macpherson was appointed to lead the Inquiry, which opened in March 1998. In February 1999 the results of the review were published, which heavily criticised the Metropolitan Police Service leadership, investigative failures and labelled the Service as being institutionally racist. The Macpherson Report produced seventy (70) recommendations aimed mainly at the police service, but also designed to impact upon all public bodies.

25.1.1 Peter Francis claimed within the Dispatches programme on 24 June 2013 that 'vital information' was held back from the Inquiry despite his attempts at the time to get Special Branch 'to come clean' and disclose their involvement. Peter Francis said, 'So when I actually informed them, it went first to DI Lambert, it then went to Superintendent in the Special Branch, who's responsible for the overall decisions, it actually then went up to the Commander Special Branch who came out to see me. It can be encapsulated roughly along the following lines: If the public was to find out that you were undercover there, they still would be battling on the streets in about a year to come, so the whole idea is to prevent disorder - if we go in there and say we were undercover in there it would re-ignite disorder that hadn't taken place with Lawrence for quite a while.'

Peter Francis claimed that there was no mention of SDS involvement in the Macpherson Inquiry and that 'they (SB) were totally clear of everything despite.' After this, a pre-recorded response from Lord Condon was shown denying knowledge of withholding information from the Macpherson Inquiry.

25.1.2 The MPS Director of Intelligence in 1999 has been interviewed by Operation Herne and stated, 'I have been asked if I recall 'any Special Branch plans to mislead the Macpherson Inquiry' into the death of Stephen Lawrence. For part of this time I was head of Special Branch operations and have no recollection of any such plans.'

Peter Francis alleged that N218 came out to see him in respect of withholding information from the Macpherson Inquiry. In interview N218 stated that this meeting or request never happened.

25.2 Conclusion

There is no evidence that any SDS undercover officer was prevented from providing information to the Macpherson Inquiry or disclosing the role of the SDS, or that any officer was prevented from doing so by SDS management.

However, it is clear that the role of the SDS and its undercover officers was never disclosed and this is a clear failing already commented on. Whilst Operation Herne has not fully investigated this aspect, it does not appear that the role of the SDS around linked support/protest groups and within the Macpherson Inquiry itself was ever brought to the attention of the Commissioner or the senior managers of the team tasked to prepare and manage the MPS response. It is clear however that the activity was known of at a senior and chief officer (Commander) level within the MPS Special Branch.

Evidence indicates that SDS reporting on the hearings at the Macpherson Inquiry focused on the internal and external public disorder aspects. Specifically detailed were the risks to Sir Paul Condon should he attend the hearing at Hannibal House, he might be at physical risk of attack.

25.2.1 There is no record of any disclosure to the Macpherson Inquiry of the involvement of any undercover officer in either the campaign support groups or their presence at the hearings themselves.

N81's role and immersion within the infiltrated organisation prevented a sudden

absence or exit strategy. The nature of the deployment was such that N81 would be expected to accompany the group regardless of where they were. To refuse to enter or leave the hearing would be out of character and as a result have the potential to raise suspicion. The hearing was open to the public and representatives of the police service who attended on many occasions in uniform. In reality all N81 could have reported on in relation to the Inquiry would have been that which was publicly available to all and was being reported on in the media every day. N81 reason for being with their group was to monitor and report on their potentially violent protest activity. The presence of an undercover officer does not appear to result in the obtaining of information from the Inquiry that was not in the public domain.

There is however, no record of any disclosure to the Macpherson Inquiry of the involvement of any undercover officer in either the campaign support groups or of the regular presence of an undercover officer at the hearings themselves. Operation Herne considers that it is a realistic assessment that had the involvement of an MPS undercover officer deployed in the proximity of a grieving family seeking justice been publicly disclosed, this could have resulted in large scale public disorder. It would have been problematic to have extracted N81 from this deployment at short notice without some significant operational and personal risk. It is also clear to Operation Herne that this deployment was not known to the Commissioner or his staff responsible for the MPS response to the Inquiry.

25.2.2 Regardless, the role of the undercover officer in this matter should have been revealed to Sir William Macpherson to allow him to make his own judgement on how to deal with the matter. It is quite apparent that the SDS ethos and culture of total secrecy caused this failure. There is no evidence to suggest this was a deliberate act, rather it appears that this was never even considered by SDS management as necessary. This is all the more remarkable as the overall supervision and detailed knowledge of the SDS within the MPS Special Branch went right up to Commander level. Whilst it might be reasonable to assume the constables on the unit may not be aware of the huge significance of the Macpherson Inquiry and the relevance of disclosure, officers working at the Executive level and a part of the MPS senior management should clearly have understood the importance of this deployment. Whilst the Inquiry was not a criminal trial, it is relevant that by this time disclosure legislation was in place and the default position should have been to disclose and explain rather than hide. It is inexcusable that the senior management of the SDS and the MPS Special Branch chose not to disclose the presence of N81 to the Commissioner's office in order that a proper executive decision on disclosure to Sir William Macpherson could have been made.

26 Summary of Conclusions

26.1 At its inception the SDS was at the forefront of the development of undercover policing. This led to the progression of the tactic to aid law enforcement to prevent disorder. It is clear the majority of undercover officers conducted themselves professionally and with integrity, and undertook difficult and dangerous work in challenging circumstances which undoubtedly included saving lives, protecting property, disrupting extremist groups and preventing disorder.

The recent allegations made by Peter Francis have led to these being prioritised within Operation Herne. They form only a small part of the Inquiry.

The investigation into his claims was initially frustrated by his refusal to engage with the investigation. He publicly claimed that he had been threatened with prosecution for breaches of the Official Secrets Act. This is not the case; he was offered the opportunity to engage with the Inquiry team as a witness on three (3) separate occasions. Despite every attempt and direct contact with him, with his legal representatives and with journalists Peter Francis has refused to engage. Peter Francis sought immunity from prosecution which was not appropriate in the circumstances. Following assurances from the Attorney General he engaged with Mark Ellison QC. He refused permission to allow Mr Ellison QC to share his interview with Operation Herne.

26.1.1 As a result the Inquiry has had to assemble information and allegations from the available sources. The media articles, the television programme and the book broadly reflect the following allegations:

- That SDS officers engaged in sexual relationships whilst deployed
- That the SDS used deceased children's identities in the creation of their covert identities
- That the SDS targeted 'Black Justice Campaigns'
- That SDS officers appeared at court in their covert identities
- That SDS officers supplied intelligence to the 'Blacklist'
- That SDS officers were tasked to gain information that might be used to 'smear' the Stephen Lawrence family
- That Family Liaison Officers assigned to the Stephen Lawrence family reported intelligence to Special Branch
- That SDS officers were tasked to gain information that might be used to 'smear' Duwayne Brooks
- Peter Francis was prevented by senior officers from disclosing SDS involvement to the Macpherson Inquiry

26.1.2 This report has been necessarily abridged and will not breach the principle of 'neither confirm nor deny' (NCND) and therefore will not confirm or deny if Peter Francis was an undercover police officer. To avoid placing any individual in danger this principle is paramount. To comment either way will raise clear inferences in other cases where no comment is made. The position is essential to ensure that danger and additional risk can be avoided.

The public allegations of Peter Francis are made almost twenty (20) years after his alleged deployment as an undercover officer between 1993 and 1997.

Although they have altered over time, there is credibility to a number of matters that have been raised by Peter Francis, particularly those regarding the use of deceased children's identities and sexual relationships which are both corroborated in some way. Likewise, it is a fact that SDS officers were sometimes arrested and are known to have attended court proceedings in their covert identities

It is an accepted fact that SDS officers were trained and instructed to adopt the identity of a deceased child for what were considered to be legitimate and necessary operational grounds. The NCND principle has been consistently applied in respect of the use of this practice and no family whose child's identity was used or any individual that has enquired about the use of their child's identity has been informed. This matter has been subject of a previous report by Chief Constable Mick Creedon.

26.1.3 There is evidence that the management of the SDS were aware of the potential for undercover officers to become involved in sexual relationships while deployed. Potentially confusing guidance was provided in order to advise and assist officers. It is believed that this guidance was not any type of official MPS policy, but was rather some form of tactical advice developed dynamically by operatives within the unit and based on their own experiences. It may have been deemed to be helpful at the time but there is no doubt that it allowed for and even condoned behaviours to develop which would not be accepted now. They would almost certainly not have been acceptable at the time to senior managers and Chief Officers had they been aware of it. Little or no support was in place to prevent or avoid such compromises for officers who were sometimes deployed and hugely isolated for many years. The internal 'Tradecraft' document references concerns that officers were effectively operating in isolation. Ambiguous advice regarding sexual relationships was offered.

26.1.4 In 2010 a series of articles in The Observer Newspaper began to make a number of claims regarding SDS activity. These were attributed to the source 'Officer A' by the authors.

In January 2011 further revelations named undercover officers and exposed inappropriate sexual relationships. In November 2011 details regarding the arrests and prosecution of alleged SDS undercover officers in cover were published.

In June 2013 Peter Francis publicly claimed to be an undercover officer and he was confirmed as a source for The Guardian. He claimed that he had been tasked by senior MPS officers to 'smear', the Stephen Lawrence campaign. In a series of interviews and newspaper articles he further alleged that the Stephen Lawrence family liaison officers had passed intelligence about visitors to the family back to Special Branch. Peter Francis claimed he had also been tasked to obtain information on Duwayne Brooks and find 'dirt ', on the Stephen Lawrence family.

In July 2013 the book 'Undercover - The True Story of Britain's Secret Police' was published, it contained additional allegations that Peter Francis argued with SDS management for their involvement in the Stephen Lawrence campaign to be disclosed to the Macpherson Inquiry.

In September 2013 in an interview on Channel 4 News Peter Francis clarified his earlier 'smearing' claims, and stated that at no time was he directed to lie. He maintained his claim that he was told to look for intelligence that could be used to undermine the Stephen Lawrence family.

26.1.5 Although there are clear inconsistencies and unexplained deviations in Peter Francis's claims, at the request of the MPS Commissioner, Operation Herne has investigated all of the allegations impartially.

The alleged deployment of Peter Francis was prior to the introduction of the Regulation of Investigatory Powers Act 2000 (RIPA). This was the only significant legislation specific to undercover operatives. Prior to RIPA, the only available direction came from Home Office Circular 97/1969. This provided guidance on 'informants who take part in crime'. His alleged deployment also pre-dated the introduction of the National Intelligence Model (NIM) which provided a formal and recognised tasking process not associated with policing in the early 1990's. ACPO subsequently introduced Codes of Practice and a National Manual of Standards for Undercover Policing. This provided official guidance for the authorisation, management and deployment of operatives.

The SDS worked exclusively within Special Branch and had no interaction with the MPS undercover unit SO10. SO10 was formed in 1988 and introduced formal undercover training. A set of instructions followed for undercover officers who, unlike the SDS, were expected to provide evidence in criminal proceedings. SO10 utilised a formal authorisation process which included regular reviews of authorised activity, usually with specific objectives and instructions to operatives.

The SDS maintained an internal training and selection process and specifically

chose not to adopt the developing MPS and national practice for the deployment of undercover officers. The SDS did not utilise pocket note books or seek technical corroboration, and were deployed solely with a remit to provide intelligence in relation to public disorder. There was no expectation that they would provide evidence before a criminal court and in fact every effort was made to ensure this never happened. SDS authorities tended to be long term and be at a strategic level with a wide remit to target groups assessed by the MPS as being associated with violent protest and public disorder. Pre RIPA there is no evidence of any formal process to regularly review the authorisations.

These criticisms should be viewed in the context of the era. From 1968 the SDS was at the forefront of the development of undercover policing with what was then a wholly new and innovative approach. It evolved and introduced many excellent examples of long term and highly effective infiltration, the benefits of which are difficult to quantify but will undoubtedly have included savings lives, protecting property, disrupting extremist groups and preventing disorder – over several decades. They operated within a Home Office authorised and funded, secretive environment and in an attempt to preserve operational security they did not engage with other units that utilised this tactic. Due to the requirement to maintain and manage the cover of operatives in long term deployments, they developed internal policies and guidance and adopted tactics that were unconventional.

26.1.6 Some officers publicly claiming to have been SDS undercover operatives have admitted involvement in inappropriate sexual relationships whilst deployed. There are currently ongoing civil actions lodged against the MPS by a number of females alleging intimate relationships with undercover officers. There is evidence within 'Tradecraft' which provides informal tacit authority and guidance for officers faced with the prospect of a sexual relationship. No evidence has been found of sexual activity being commonplace, or of it ever being explicitly authorised and to date no evidence of sexual activity being utilised as a management supported tactic to aid infiltration has been found.

26.1.7 It has been identified that officers were provided with limited instruction and in effect left to make individual choices while operationally deployed. There is evidence of some managers within the SDS expressly forbidding sexual relationships. There is no evidence to suggest that managers on the unit between 1993 and 1997 during Peter Francis alleged deployment endorsed or authorised the activity. The 'Tradecraft' document provides advice recommending that if there is no other option operatives should try to have fleeting and disastrous relationships with individuals who are not important to your sources of information.

26.1.8 Allegations of inappropriate sexual relationships are still under investigation by Operation Herne. Counsel has provided advice indicating that there are no sexual

offences committed however; the offence of Misconduct in Public Office may be applicable. Evidence has been provided to the CPS for advice. No complaints have been made against Peter Francis although he admitted to two such inappropriate sexual relationships whilst allegedly deployed. Enquiries into this aspect continue.

26.1.9 Irrespective of the more recent introduction of RIPA legislation and the improved training and management of undercover officers, there are and never have been any circumstances where it would be appropriate for such covertly deployed officers to engage in intimate sexual relationships with those they are employed to infiltrate and target. Such an activity can only be seen as an abject failure of the deployment, a gross abuse of their role and their position as a police officer and an individual and organisational failing. It is of real concern that a distinct lack of intrusive management by senior leaders within the MPS appears to have facilitated the development and apparent circulation of internal inappropriate advice regarding an undercover police officers engagement in sexual relationships.

For a period of time the SDS did utilise the identities of deceased children to create covert identities for operational use. This matter has been investigated and reported upon by Operation Herne.

Peter Francis has alleged that he was tasked to provide information on 'Black Justice Campaigns'. There is evidence that confirms the SDS did attempt to obtain intelligence in relation to 'black racial disorder' and 'black extremist politics' as early as 1969. Subsequent deployments in the late 1980's recorded the infiltration of 'black political groups in an attempt to anticipate any future public disorder.'

26.1.10 Prior to 1998 operatives produced their own original intelligence notes or records which were then shared with supervisors to enable intelligence reports to be created. These documents were not retained in their original form, but this should not be viewed with suspicion. SDS practice at the time was to destroy the original intelligence documents after the submission of the sanitised intelligence to 'C' Squad or at the conclusion of the operation. There are no original intelligence product files held on any operatives file prior to 1998 when computers were introduced. However, the intelligence product submitted to 'C' Squad has been retained and Operation Herne has now been able to attribute individual intelligence reports to the originating undercover officers.

26.1.11 Evidence of intelligence being reported regarding high profile 'Black Justice Campaigns' has been recovered. SDS operatives were tasked into support groups assessed by the MPS as having potential for violence and there is evidence that these groups associated themselves with, or attempted to align themselves with these emotive campaigns. This resulted in intelligence surrounding 'Black Justice Campaigns' being reported. It was common practice for an operative to report

back all of the information they obtained. The strategic methods employed by the SDS encouraged this as they were not obtaining evidence to support criminal investigations but intelligence to prevent public disorder.

As a result, what would today be classed as 'collateral intrusion' occurred. RIPA legislation specifically addresses the issue of collateral intrusion, but prior to the legislation there was at best limited consideration paid to the acquisition of personal information. Accepting this modern standard, at that time it was the role of the SDS to report all information and not differentiate between what may have been personal or private matters. The collection of such material did not always result in further dissemination as the majority of this information was filed within MPS Special Branch intelligence systems. What was ultimately disseminated to operational command teams was hugely sanitised and limited so as to best protect the source and the techniques.

26.1.12 Peter Francis claimed that SDS undercover operatives were arrested in their covert identities. This has been confirmed and Operation Herne has worked closely with the Criminal Case Review Commission in this regard. It is apparent that deployed officers would on occasion be arrested for committing minor criminality with members of their target group. This matter remains under investigation by Operation Herne and where appropriate will be referred to the CPS and findings will be subject of future reporting to the CPS and the Commissioner. There is no evidence to suggest that Peter Francis was ever arrested or charged with any criminal offence.

Operation Herne is proactively examining the individual cases it has identified. It will be essential to fully investigate the potential impact of this practice to establish if any matter requires referral to and consideration by the CPS.

26.1.13 Peter Francis claimed that he gathered intelligence on Trade Union Activists and passed it to a 'Blacklisting agency'. He claimed that he provided information regarding two individuals and that their details subsequently appeared on the 'list'.

The 'Blacklist' maintained by a commercial enterprise known as The Consulting Association was a record of individuals it believed to have disruptive or subversive stances that could adversely affect the workplace. Operation Herne is currently investigating claims that Special Branch routinely shared information with the organisations responsible for managing the 'Blacklist'. There is no evidence to suggest that Special Branch or the SDS shared information and historical MPS Special Branch documents providing explicit instruction forbidding this practice exist.

Peter Francis claims to have been deployed between 1993 and 1997. The Consulting Association record is dated 1999, two years after Peter Francis' claim of alleged deployment ceased. There is no information to link the events and there is witness testimony denying that the practice occurred. There is no evidence that any SDS intelligence was shared with the Consulting Association.

26.1.14 The original intelligence product file of SDS undercover officers was routinely destroyed in line with SDS practice. A review of the groups into which Peter Francis claims he was deployed has taken place and detailed searches of MPS indices have been conducted in an attempt to identify what reporting did occur. Operation Herne has now been able to establish and identify the reporting of undercover officers at this time and conclusively attribute intelligence to specific operatives.

26.1.15 There is no suggestion from the information reviewed that there was ever any MPS or Special Branch tasking to 'smear' the Stephen Lawrence family or that any intelligence could have been used in this way. The focus of the SDS was to report and assist in the prevention of public disorder. There is minimal reporting within YRE and Militant Labour files that refers to the Stephen Lawrence family. This is in the form of a 'flyer' and a reference to Stephen's inquest. Peter Francis claimed in interview to have failed in his alleged task.

26.1.16 The allegation of FLO's reporting intelligence to SDS or Special Branch has been examined and there is no evidence to support this. The appointed FLO's and the SB liaison officer all deny this occurred. There is no intelligence to suggest that this happened. SDS exposure to major crime SIO's or borough liaison officers did not take place due to the secretive nature of the unit and the concern surrounding their operational security.

26.1.17 The allegation that Peter Francis was tasked to smear Duwayne Brooks or view images to associate him with criminality from which he was subsequently charged appear to be untrue.

During media interviews Peter Francis claimed that in the month after Stephen's death he was tasked in relation to Duwayne Brooks. Peter Francis has publicly suggested that in May 1993 he was not an active operative. Peter Francis claims he was deployed in September 1993, he also claims that initial planning to target the anarchist movement. He claims this strategy was altered at short notice by supervisor.

There is no documented evidence of any involvement of Peter Francis in the identification process of Duwayne Brooks for serious public order offences. There are complete records including statements and identification material that provides

robust evidence that the identification of Duwayne Brooks in September 1993 was an evidentially sound procedure that adhered to policy and did not involve any member of the SDS.

It is highly likely that SDS operatives were involved in other intelligence gathering identifications post public disorder. This was not an uncommon practice for SDS operatives. It is credible that serving SDS operatives were tasked to view images from a second Welling Riot in October 1993.

There is intelligence reporting on Duwayne Brooks from another undercover officer. This reporting emerges from Duwayne Brooks' relationship and association with a potentially violent protest group that attempted to influence the Stephen Lawrence family campaign to further its own ethos. Some of the reporting contains personal information that does not relate to public disorder.

26.1.18 Allegations that Peter Francis was made to withhold information from the Macpherson Inquiry have not been substantiated. SDS and Special Branch managers refute the allegation that any person ever approached them to reveal the SDS involvement to Sir William Macpherson.

There was an undercover officer deployed into a protest group closely associated to the Stephen Lawrence family campaign. This officer denies ever being tasked to infiltrate the family although readily accepts that they reported intelligence regarding both the family and Duwayne Brooks. The officer attended the Public Inquiry together with members of their target organisation to report on potential public order and to maintain cover and credibility. The officer did not report on the content of the hearings that they witnessed. This individual's intelligence has been located and examined by Operation Herne.

The existence of this officer was never disclosed to the Macpherson Inquiry. Non disclosure of SDS activity will be subject of further investigation. It is apparent that the SDS utilised their desire to maintain operational and personal security, their intelligence only remit, the secrecy afforded by Special Branch and historical Home Office approval to operate outside of expected standards of disclosure.

There is evidence that a member of the Stephen Lawrence Review Team engaged with this officer in August 1998. SDS managers reported this and documented the content of the meeting. The record discussed how the MPS should respond to the charge of institutionalised racism. It also discussed the MPS response to the second phase of the Inquiry and the potential for public disorder. It also commented on how to regain the trust of the black community.

26.1.19 A large number of officers holding roles within the SDS or within management positions at the time, including the Commissioner, have been interviewed. All but one emphatically deny the allegations made by Peter Francis in relation to the Stephen Lawrence family. The one dissenting provides hearsay evidence.

This individual made a statement that they were aware of tasking into the Stephen Lawrence family. This officer was not in post during Peter Francis's alleged deployment. They were recruited as DI in 2005. The officer provides hearsay evidence having left the unit in 2008 in discordant circumstances. In excess of 100 witnesses have been interviewed regarding the allegations of Peter Francis. Only a very small number of officers have not engaged with Operation Herne. Some may hold relevant information. N86 was responsible for the SDS recruitment and tasking strategy in 1993, and have refused to engage.

26.1.20 Any SDS tasking pre dated the National Intelligence Model. Tasking of the SDS was a complex matter. The existence of the SDS was an absolute secret outside of Special Branch and only a few individuals within Special Branch were made aware. Tasking of the SDS took place at management level. SDS would liaise with Special Branch 'C' Squad who received their intelligence. 'C' Squad would disseminate intelligence and request tasking of operatives when appropriate. Witnesses indicate that there was no such tasking in relation to the Stephen Lawrence family.

In 1999, following the accidental disclosure of an appendix from the Macpherson Inquiry an officer from the witness protection unit was assigned by DAC Grieve to the Stephen Lawrence family. The officer's role was to assist and provide advice to the family regarding their personal security and safety. This role continued for several years.

26.1.21 This officer had unprecedented access to the family. At no point was this officer requested to provide information about the family by any member of the MPS. Records confirm that they did not record anecdotal information. This individual was in a unique position and could have easily gained far more information than any undercover intrusion.

27 Findings

27.1 In conclusion no evidence has been discovered to confirm that:

- Peter Francis was tasked to smear the Lawrence family or their campaign
- He was tasked to smear or investigate Duwayne Brooks
- He was tasked to provide information on 'Black Justice Campaigns'
- Managers within Special Branch prevented Peter Francis from making disclosures to the Macpherson Inquiry
- FLO's shared information with Special Branch
- Peter Francis obtained information which was subsequently provided to the Consulting Association.

27.2 Some allegations of Peter Francis are credible and can be corroborated:

- SDS use of deceased children's identities
- Inappropriate sexual relationships took place

27.3 These later matters are subject of continued investigation by Operation Herne, as is the issue of SDS officers being arrested, giving evidence at court in false names and of their substantive involvement not being properly disclosed in judicial proceedings.

27.4 The fact that Peter Francis has not assisted the investigation initially frustrated the search for the truth; however, the Inquiry has established the facts through extensive investigation, the examination of records and the testimony of witnesses.

27.5 There are a number of matters that require further detailed criminal and misconduct investigation. These relate principally to the tactics and methods employed by the unit. These matters, mostly documented within SDS guidance are no doubt issues that impacted upon the deployment of all SDS operatives. All matters under investigation have been referred to the Independent Police Complaints Commission who supervise a number of individual strands.

27.6 Throughout its existence of the achievements of SDS undercover officers should not be under estimated. Their deployments significantly contributed to the security and safety of the United Kingdom.

27.7 For the majority of its existence the SDS operated without the guidance and rigour of appropriate legislation. Intelligence deployments and the careful dissemination of sanitised intelligence prevented judicial examination of evidence. The secrecy and insular nature of the unit limited but should not excuse opportunities for intrusive

management. The SDS evolved internally to deal with the significant challenge of long term deployment of undercover officers into committed and resourceful potentially violent protest groups across the political sphere. This process was managed by the coaching and mentoring of officers by peers and previous operatives. It must be acknowledged that some of the tactics utilised at the time were inappropriate and do not appear to have been scrutinised by senior managers.

27.8 Due to its isolation the unit failed to evolve and take appropriate cognisance of developments in legislation, case law and practices within other areas of undercover work. This promulgated what must be considered as inappropriate advice and practice.

27.9 Upon the amalgamation of SO12 and SO13 to form the new Counter Terrorism Command (SO15) external managers were introduced to the SDS. These managers with SO10 experience attempted to enhance the unit, ensuring compliance with nationally recognised standards. These managers ultimately introduced significant challenge, sought to bring in new ways of working and ultimately in 2008 the unit was disbanded.

27.10 It is apparent that the closure of the unit in 2008 coincided with changes in operational focus and a desire within the MPS and undercover policing nationally to learn from previous lessons and further professionalise undercover policing

27.11 Introduction of RIPA legislation, adoption of accredited training for all operatives and the introduction of Authorised Professional Practice for undercover officers deployments has now provided a robust framework. Added to this is a proper legislative framework for granting authority , reviewing and renewing undercover deployments, coupled with external scrutiny provided by the Office of the Surveillance Commissioner. This new national landscape minimises the opportunity for individual officers or accredited units to work outside of recognised guidance. None of the practices identified by Peter Francis in relation to the use of deceased children's identities or inappropriate relationships would be condoned or authorised today.

27.12 The authority process associated with the deployment of undercover officers has developed significantly and the long term deployments associated with the SDS would not now be permitted without appropriate oversight, governance and intrusion. It is a fact that for a time and post RIPA, the National Public Order Intelligence Unit (NPOIU) worked in a similar fashion to the SDS. The NPOIU developed its tactics and practices from the SDS and indeed some officers moved from the SDS to the NPOIU when it was created.

27.13 Recent developments with a Memorandum of Understanding between CPS and ACPO together with the RIPA Order 2013 provide additional ACPO and OSC oversight and approval for undercover operations. The current HMIC inspection will also provide reassurance and assist in restoring public confidence.

27.14 Operation Herne has focused upon the public allegations of Peter Francis and found that other than the concerns around live criminal investigations and civil actions his claims lack credibility and cannot be substantiated. The matters under investigation by Operation Herne will be subject of separate reporting to the MPS Commissioner which will ensure accountability of those involved.

27.15 Operation Herne is an independent Inquiry working closely with the CCRC, CPS and under the supervision of the IPCC. The terms of reference agreed for the Inquiry provide Operation Herne with the ability to investigate all allegations of criminality and misconduct that have been alleged.

27.16 The operation is also examining and will subsequently explain the creation of the unit and how it operated throughout its existence. This work will deal with the myriad of associated issues such as recruitment and selection, supervision and management, deployment and tasking, intelligence collection and dissemination, involvement in criminality and disclosure, links to other agencies, forces and countries and the range of groups infiltrated and any associated rationale. In addition the operation will explore and explain the development of undercover policing both within the SDS and nationally.

27.17 Operation Herne has already investigated and reported upon the use of deceased children's identities and provided significant reassurance in relation to the extent of this practice and identified that it no longer occurs.

27.18 There are a number of other strands that will be reported to the Commissioner in due course. Operation Herne is tasked to ensure that all matters are investigated proportionately and comprehensively and seeks to ascertain the truth, identify learning and make recommendations in relation to criminal or misconduct proceedings.

27.19 It is acknowledged the majority of undercover officers conducted themselves professionally and with integrity. They undertook difficult and dangerous work in challenging circumstances. Their endeavours undoubtedly led to the saving of lives, the protection of property, the disruption of extremist groups and prevented serious public disorder. The personal risks to undercover officers and their families which are a consequence of these deployments mean that we all have a duty of care in managing the continuing risk to their personal safety and security.

Operation

Herne

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Operation

Herne

Report 1 · Use of covert identities



Mick Creedon
Chief Constable Derbyshire Constabulary

Executive Summary

History

The Special Demonstration Squad (SDS) was an undercover unit formed by the Metropolitan Police's Special Branch. It operated between 1968 and 2008, during which time it infiltrated and reported on groups concerned in violent protest.

Operation Herne

Operation Herne (formerly Soisson) was formed in October 2011 in response to allegations made by the Guardian newspaper about alleged misconduct and criminality engaged in by members of the SDS. Similar matters had been previously aired as early as 2002 in a BBC documentary.

Operation Riverwood

On 4th February 2013 the Metropolitan Police received a public complaint from the family of Rod Richardson, a young boy who had died in the 1970s. It is alleged that an undercover officer working for the National Public Order Intelligence Unit (NPOIU) had used this child's details as his covert identity. This matter was referred to the IPCC. The matter was returned to the force and is currently subject of a 'local investigation'.

National Public Order Intelligence Unit

The NPOIU was formed within the MPS in 1999 to gather and coordinate intelligence. In 2006 the governance responsibility for NPOIU was moved to the Association of Chief Police Officers, after a decision was taken that the forces where the majority of activity was taking place should be responsible for authorising future deployments. In January 2011 the NPOIU was subsumed within other units under the National Domestic Extremism Units within the MPS.

In January 1995 large numbers of police from London, Kent and Hampshire were drafted to the West Sussex harbour of Shoreham in response to protests surrounding the export of live animals to Europe. The Animal Liberation Front (ALF) and another animal extremist group named 'Justice Department' had a strong base in the community there. This led to a number of protests and in October 1995 there was a further demonstration in Brightlingsea, Essex. This resulted in a record number of police being deployed to prevent widespread public disorder. Ad-hoc protest groups emerged and the need for first hand high quality intelligence was evident. This led to undercover

operatives being required to infiltrate these animal extremist organisations.

The purpose of the NPOIU was:

1 To provide the police service with the ability to develop a national threat assessment and profile for domestic extremism.

2 Support the police service to reduce crime and disorder from domestic extremism.

3 Support a proportionate police response to protest activity.

4 Help the police service manage concerns of communities and businesses to minimise conflict and disorder.

Control of the NPOIU moved to ACPO in 2006 under the direction of the ACPO National Co-ordinator for Domestic Extremism, **Assistant Chief Constable Anton Setchell**. He was replaced by **Detective Chief Superintendent Adrian Tudway** in 2010. The NPOIU worked with the **National Extremism Tactical Co-ordination Unit (NETCU)** and the **National Domestic Extremism Team (NDET)**.

The NPOIU now exists as part of the **National Domestic Extremism Unit (NDEU)** under the Metropolitan Police Service Specialist Operations and is run by **Detective Chief Superintendent Chris Greaney**.

Deceased identities

On 5th February 2013 the **Home Affairs Select Committee (HASC)** questioned **Deputy Assistant Commissioner Gallan** about the alleged practice that SDS officers had used the details of dead children, as part of a cover identity for undercover police officers. At the time DAC Gallan was based in the MPS Directorate of Professional Standards and was in overall command of Operation Herne. Her appearance before the HASC led to considerable media coverage and some negative commentary. As a result of the media coverage, Operation Herne has now received enquiries from fourteen (14) families regarding seventeen (17) children.

Operation Herne review

One hundred and forty-seven (147) named individuals are believed to have served as police officers within the SDS at all ranks from Chief Superintendent down. This covers the forty (40) years that the unit was in existence and not all the police officers were deployed in undercover roles.

At this stage one hundred and six (106) covert identities have been identified as having been used by the SDS between 1968 and 2008.

Forty-two (42) of these identities are either confirmed or highly likely to have used the details of a deceased child.

Forty-five (45) of these identities have been established as fictitious. Work continues to identify the provenance of the remaining identities.

Neither Confirm Nor Deny (NCND)

The policy of 'neither confirming nor denying' the use of or identity of an undercover police officer is a long established one used by UK policing. It is essential so as to provide for the necessary operational security and to ensure undercover officers are clear that their identity will never be disclosed by the organisation that asked them to carry out the covert activity. The duty of care owed to such officers is an absolute one and applies during their deployments, throughout their service and continues when they are retired.

Please note that this is an interim report specifically about the use of the identities of deceased children and infants. It does not seek to cover either all of the activities of the SDS nor has it been able to completely provide all the answers regarding the use of covert identities. The report clearly explains the use of the tactic and is submitted early given the need to deal with the public concerns and is provided in agreement with the Home Office who sought to have this matter concluded before the parliamentary summer recess.

1 The History of the Special Demonstration Squad

1.1 The Special Demonstration Squad (SDS), initially known as the Special Operations Squad (SOS), was created in 1968 by the Metropolitan Police's Special Branch in response to the Anti Vietnam War demonstrations that took place in Grosvenor Square, London on 18th March. At that time demonstrators were targeting the United States Embassy, and it was feared that lives would be lost during the increasingly violent clashes. The unit was created with direct support and funding from the Home Office.

1.2 Between March to October 1968, a small number of Special Branch officers were deployed to infiltrate the groups of demonstrators to provide intelligence about those organising the public disorder. These officers were successful in infiltrating the anti-war movement and were able to pass key intelligence to assist with the policing of the demonstrations. At the time, the Special Branch's activity was acknowledged as invaluable in keeping the Home Secretary of the day 'well informed'.

Funding & Authorisation

1.3 Initially, the SDS was funded and authorised by the **Deputy Under Secretary of State**. At its inception the Deputy Under Secretary of State was **Sir James Waddell** and the enquiry team has a quantity of signed correspondence and other documentation from him (and his successors) relating to the squad.

1.4 At the end of 1968, as a result of political developments abroad and the SDS's apparent early successes it was decided that the unit should continue. Subsequently, over the intervening years the SDS expanded its remit beyond reporting upon left wing extremism to include the far right, Irish terrorist groups and any groups that were intent on committing serious pubic disorder.

The Squad is renamed

1.5 Between November 1972 and January 1973 the SOS was renamed the '**Special Demonstration Squad**' (SDS) to reflect its evolving remit. The unit's name was then changed again around 1997 to the '**Special Duties Section**', and it remained so until it was closed in 2008.

Home Office

1.6 At the insistence of the Home Office, the squad was to be maintained with the strictest secrecy, so as not to compromise the Government or its sensitive operations. It appears that significant dedicated funding was provided by the Home Office to the Metropolitan Police Service (MPS) on the grounds of paying for operational security. This issue of secrecy is a prevailing theme, and was used to justify many deployment decisions. Until the later years of the SDS's existence, very few people outside of the MPS Special Branch knew of it.

1.7 Over a period of time it was established that long term covert deployments would provide the best intelligence yields. Initial deployments of officers were for several years. However Operation Herne has established that there was no formal selection or training processes, little legal guidance to operatives and the SDS often had to break new ground. Practices evolved over time, as a result of officers reporting on their activities and personal initiatives and then sharing these with their colleagues. Officers were selected directly and on personal recommendation, almost always from within the MPS Special Branch.

2 Operation Herne (Formerly Operation Soisson)

2.1 In October 2011 DAC Mark Simmons (at the time the Director, Directorate of Professional Standards) instructed that a full review of the SDS was necessary, following allegations made by the Guardian newspaper over the preceding months about the conduct of officers from the unit. These claims included allegations that a former SDS officer (N14) had a relationship with a woman whilst he had worked undercover and that he had gone on to father children with her. It was also further claimed that SDS officers had given evidence in their covert names without the court's knowledge and that this was grounds to support a miscarriage of justice.

2.2 Initially the review consisted of a scoping exercise and the need to gather knowledge of the SDS - still known only to a very few within the MPS. Following this work and the launch of the enquiry, the review team was provided with six thousand (6,000) paper records and a large number of computer exhibits in the form of hard drives and floppy discs. Interrogation of these exhibits has been complicated by the encryption and levels of security, but to date this work has revealed approximately fifty thousand (50,000) separate documents. This resource has continued to expand as further relevant material has been recovered (i.e. from the MPS General Registry). All documents have been scan-read, and are in the process of being placed onto secure HOLMES and indexed

2.3 During the initial review of material, Operation Herne identified the SDS practice of using all or part of the genuine details of deceased children to construct their covert identities. One document in particular, the 'SDS Trade Craft Manual', described the method of constructing a false identity. The methodology was justified in the Manual as the only viable means to provide a robust backstopped covert legend that would stand scrutiny. However the document's provenance is questionable, and it was written in such a way that suggested that the practice had fallen out of use by the mid-1990s.

Operation Riverwood

2.4 On 4th February 2013, the Guardian (**Paul Lewis**) published an article about an alleged under cover officer (UCO) who it was claimed had used the identity of a baby that had died. It was alleged that the UCO had worked for the National Public Order Intelligence Unit (NPOIU) between 1999 and 2003 using the name of Rod Richardson. Over the following days a detailed account including photographs appeared in the paper.

2.5 The NPOIU was merged with National Extremism Tactical Coordination Unit (NETCU) and National Domestic Extremism Team (NDET) to form the National Domestic Extremism Unit (NDEU) in 2010. It is currently managed by SO15 within the MPS. Paul Lewis's article made further allegations of sexual relationships between different SDS officers and those they were sent to infiltrate.

2.6 On the same day the Directorate of Professional standards received correspondence from **Tuckers Solicitors** representing a woman named **Ms S**. The letter alleged that the Metropolitan Police had used the identity of her deceased son, Rod Richardson. The letter lodged an official complaint to the MPS on behalf of Ms S. This matter was referred to the **Independent Police Complaints Commission (IPCC)** on the 28th February 2013. Initially the IPCC determined that the mode of investigation would be 'supervised'. However the complaint has now been returned to force to deal as a 'local investigation.'

2.7 The findings and recommendations of the investigation have been reported to the IPCC.

Home Affairs Select Committee

2.8 On the 5th February 2013 DAC Patricia Gallan appeared before the Home Affairs Select Committee (HASC). The use of deceased children's identities was a key theme in the questions from members of the HASC. During the hearing, DAC Gallan confirmed that the practice had indeed taken place and when questioned by the Committee she declined to apologise as the enquiry was ongoing. HASC has made a number of requests, for the Metropolitan Police to fully investigate the issue of the use of children's identities, to apologise for the use of the tactic and for Operation Herne to complete its enquiries as soon as possible.

Previous publicity

2.9 Significantly, the alleged practice by the SDS of using deceased children's identities has been reported publicly before. In 2002 a BBC 2 documentary called 'True Spies' raised this very issue and this in turn subsequently generated further media interest in this process. In a later online article, 'Subverting the subversives', the BBC asked rhetorically, 'How would you handle taking the identity of a dead child to work under cover?' Despite wide publicity, at the time, the MPS did not receive any complaints.

2.10 The issue of the use of the identities of deceased children and infants by undercover police officers has since been subject to considerable media coverage and a number of questions in Parliament. In addition, a number of Members of Parliament have written to Operation Herne on behalf of their constituents about the same issue.

2.11 On the 9th February 2013, due to increasing media and parliamentary interest, the Commissioner of the Metropolitan Police, Sir Bernard Hogan-Howe decided to appoint an independent lead for Operation Herne to bring greater objectivity and transparency, and to further reassure the public of his determination to seek the truth about the allegations about the SDS. He approached the Chief Constable of Derbyshire Mr Mick Creedon QPM, as an independent senior officer from an external force to lead Operation Herne.

2.12 On the 11th February the Home Secretary (Rt Hon Theresa May MP) endorsed this decision and publicly announced that, the Chief Constable of Derbyshire had been appointed to lead the investigation.

'Given the seriousness of the latest allegations, the Metropolitan Police Commissioner Sir Bernard Hogan-Howe and the Chairman of the Independent Police Complaints Commission have agreed that it would be appropriate for a senior figure from outside the Metropolitan Police to take over the leadership of the investigation.'

Public Enquiries

2.13 As a result of the media reporting surrounding the questions raised at HASC on the 5th February 2013, Operation Herne opened a Casualty Bureau response in case of a large number of public contacts. To date fourteen (14) enquiries from the families of seventeen (17) separate children have been received. The enquiries were from concerned members of the public who want to know whether the SDS had used their deceased relative's identities.

2.14 In addition, a Freedom of Information Act (FOIA) request has been received from Duncan Hames MP about the alleged practice of using children's identities by members of the SDS.

2.15 All of the enquiring members of the public have been personally visited by a family liaison officer from Operation Herne, and a letter acknowledging their enquiries has been hand delivered on behalf of Chief Constable Mick Creedon.

3 How the SDS constructed identities

3.1 In his statement, the former SDS Chief Inspector N69 who served between 1986 and 1987 stated that,

'…new recruits were instructed on how to go about obtaining false birth certificates. They would obtain details of a deceased person of a similar age from Somerset House and then use those details to go about creating their legend.'

3.2 This is supported by the SDS Tradecraft Manual (an organic document of initiatives, operational learning, guidelines and suggestions from established UCOs to assist other UCOs in their deployments) which states that the identities of deceased children (generally aged between 8 and 14 years) were routinely used by the SDS prior to 1995 to obtain passports, driving licences and other documents. 'By tradition, the aspiring SDS officer's first major task…. was to spend hours and hours at St Catherine's House leafing through death registers in search of a name he could call his own….' The manual stated that this practice was 'unsafe', but there were no alternatives.

(The author of this statement is unknown. The Tradecraft Manual was compiled over a number of years)

3.3 A manual entry dated June 1995 provides the first evidence of the cessation of this practice when it comments that, '...names are no longer obtained from the Death Register at St Catherine's House.'

3.4 As the SDS became more established it appears that officers could spend considerable amounts of time researching a suitable subject to assume an identity. According to N2 (a former SDS UCO and later cover officer) efforts would be made to research the existence of close family members. Names that were too unusual or too common would be discounted, as too would cases where the deceased had died in unusual or memorable circumstances. In preference, children were chosen that would have died between four (4) and eight (8) years of age and would be of broadly the same age as the UCO. Given the fact that the unit was established in 1968, and the youngest officers at that time would probably have been in their mid twenties, it is the case that some of the identities used could relate to children born as early as 1940.

3.5 In a video interview provided to the Guardian by the former SDS Officer N43, he described how it was common practice to weave ones own memories into that of the child he had based his covert identity upon. N43 stated that he was unhappy about using a child's details and he felt that he was stamping on their memory. N43's legend was also typical of the backstopping created by the SDS officers at the time.

3.6 Significantly, N43 has claimed that he had no choice, either he used the identity or he would have had to have left the unit. It is absolutely clear that the use of identities of deceased children was an established practice that new officers were 'taught'. It was what was expected of them, and was the means by which they could establish a cover identity before they were deployed. Whatever their views are now about this practice, this was not done by the officers in any underhand or salacious manner - it was what they were told to do.

4 Why were deceased identities used by the SDS?

4.1 As outlined in the SDS Tradecraft Manual, the practice of using a genuine deceased identity was developed to create a plausible covert identity that was capable of frustrating enquiries by activists and one that could be used to generate a birth certificate thereby giving access to a range of necessary documentation in support of the covert identity.

4.2 To date Operation Herne has not discovered who directly introduced the tactic to the SDS - it is simply not yet known who instigated the technique in the SDS.

In 1943, members of the Security Services devised a complex sting called Operation Mincemeat. This Operation involved using the body of a drowned vagrant and false identification papers to make the Nazis believe a false information feed, ahead of the allied D Day Landings. The operation was made into a book by Ewen Montague, a play and a famous film based on these true events called 'The Man Who Never Was' (1956).

4.3 Operation Herne has internal SDS documentation apparently written in 1996, called, 'Operational Security v Department of Social Security Records'. This document explains that even though the practice had been phased out it was still the, '… traditional method of finding a false identity (using a genuine birth certificate).'

4.4 Clearly the practice was well documented and it is apparent that the SDS was aware that the activists they were trying to infiltrate were also aware of this technique. According to the retired N2 he found himself in a situation where he had penetrated an organisation and was then asked by the group to help trace a mole among them.

4.5 In 1971 the author Frederick Forsyth published his book, 'Day of the Jackal'. This popularised the technique of how to create a false identity by researching a person that had died in childhood who had a similar date of birth and then basing a credible legend around that subject.

4.6 In the case of SDS officers the subject chosen had to have had an 'existence' to show up in case of basic research, by suspicious activists. A genuine identity of a deceased person was needed, as there was no viable means of inserting a fictitious entry into the records of births held by General Records Office (Formerly located at Somerset House in London). Moreover, if an activist was able to obtain the details of an under cover officer's birth details it would have been extremely straight forward to attend Somerset House and search the book binders to prove or disprove that the details were apparently genuine.

4.7 Before the transition to computer based records, although a birth certificate was never intended to be an identification document they were regularly used to apply for other documents, such as driving licences or passports. In the absence of any other documentary proof, birth certificates were used as effective identification. Indeed before modern developments they might be the only proxy identity document that most members of the public would possess.

4.8 Much of the work carried out by the SDS was highly sensitive and placed the UCOs at considerable risk. The need to protect their identities was of paramount importance and in the case of the Department of Social Security and the General Records Office, the SDS was highly wary of staff with activist sympathies who might be able to make unauthorised hostile searches. This again led the UCOs to have to create false identities using the details of deceased children.

4.9 The use of a genuine identity based upon a deceased child enabled an undercover officer to apply for other genuine identity documents to act as props, to give the officer credibility and to prevent hostile enquiries. It is still unclear how in the early years the SDS officers obtained genuine identity documents for their covert names.

5 When were deceased identities used?

5.1 It is unclear when exactly the SDS started to use deceased identities to create their legends. To date Operation Herne has established that the earliest confirmed officer that used a deceased identity as part of his legend was in the field between 1976 and 1981. It appears that the early (post 1968) deployments did not have to be so reliant on the covert identity. The apparent change in policy is still being investigated.

5.2 Operation Herne has identified details of thirty-seven (37) police officers who had apparently worked for the SDS in some form by 1971; however due to the lack of detailed records the review has as yet been unable to identify whether they were all UCOs and if so establish any details of their cover names or dates of birth to cross check against General Records Office's birth and death returns.

5.3 It is believed that from about 1971, at least some of the officers who were deployed could have used a deceased child's identity as part of their cover. A number of this first tranche of officers are still alive and efforts are in hand to locate and interview them. The issue of whether they used a child's identity will of course be put to them, as will questions around their selection, training and support and who authorised the use of the tactic. As these enquiries are undertaken the figures of the actual numbers of identities used may change.

5.4 According to comments within the SDS annual review of 1994 to 1995 and internal memorandum written by N53 in 2002, the SDS practice of using deceased children's records to construct their covert identities was phased out starting in November 1994. The SDS annual review states that N26 was the first officer to have obtained a completely fictitious identity. This was not only good for ethical reasons, but it also reduced the risk of compromise, particularly where an officer might be confronted by 'their' own death certificate.

5.5 It is unclear whether the practice within the SDS had completely stopped by 1995, or was one gradually being phased out. There is the potential of an officer assuming an identity based on a deceased child in 1993/94 and maintaining this for several years whilst operationally deployed. If this were the case it would clearly be problematic to stop the tactic whilst the identity was in use. This means that there is the potential that the tactic was still in use until the late 1990's even though the policy had changed.

5.6 To date Operation Herne has been unable to find any documentary proof to confirm the end of the use of this tactic. A number of witnesses have yet to be spoken to and they may be able to clarify the position. Where former SDS officers have been asked about the practice they have freely acknowledged it happened for operational reasons and was what they were introduced to when they were recruited to the unit.

5.7 This report has already explained that the tactic was based upon the officer creating an identity that fitted broadly with his or her age range. The youngest officers to work in the SDS as an undercover operative were in their early 20's – meaning that the identity used would be that of a child born some twenty or so years earlier. The SDS was created in 1968 and it is known that the tactic was in use by the early 1970's – meaning the deceased children would have been born in the 1940's and early 1950's. With very few exceptions the tactic was effectively ended in the mid-1990's, meaning that any identity would have been based on a child born at the latest in the mid-1970's. Given this timeframe, it is the case that there won't have been a need to use the real identity of a child born at any time in the last almost forty (40) years. Accepting the disquiet over the tactic, the public should be reassured by this and that the tactic has a very historical perspective

6 How many identities are involved?

6.1 A core part of this enquiry has been the identification of the personnel that worked for and managed the SDS and this includes those at chief officer level who oversaw the activities of the unit. In carrying out this work, Operation Herne will establish those '**operational**' staff: their roles, their recruitment and training, their attachment dates and whether they based their covert legends wholly or partly on a deceased person. As a result, a number of lists have been identified from the material. These lists are however incomplete and at times contradictory. In a number of cases the information would appear to have errors.

6.2 In 2002 N53 provided a series of internal memoranda in relation to a joint operation called Operation Wisdom. This operation was led by the **National Criminal Intelligence Service (NCIS)**. It concerned the identification, by the passport service, of approximately 1200 names where a passport had been applied for with a duplicate birth certificate after a death certificate had been issued. In a minute dated 2nd February 2002, N53 explained that he believed that between 1968 and 2002 there had been one hundred and two (102) SDS officers who had been provided with covert identities. N53's documentation stated that the majority of these UCO's would have used a deceased child's identity. This report is however not complete and does not hold the covert identities given to these UCO's.

6.3 To date Operation Herne has verified one hundred and six (106) covert names that were used by members of the SDS. Of these one hundred and six (106), forty two (42) have been either confirmed or can be treated as highly likely to have used a genuine deceased child's identity. These numbers should not be treated as absolute and may change as the enquiry continues.

6.4 Operation Herne has been able to establish that forty-five (45) of the identities provided in the list of 106 covert identities have been created from totally fictitious details. This assessment is based upon the research of documentary evidence within the Herne material, interviews with former SDS officers and enquiries internally within the Metropolitan Police. The dates of the deployment are also significant, as after 1994 the practice was no longer required as it was deemed unnecessary and potentially too risky in respect of potential compromise.

6.5 Of the remaining SDS identities in use, research continues to establish whether they are also of real people or whether they were invented. Efforts have been frustrated as there is no exhaustive list of all of the SDS's covert identities, and a number of subjects have no dates of birth or even full names. However, in the incidences where an age can be established the majority are again of young children that have died.

7 SDS Management Oversight

7.1 A range of officers at different ranks and roles have been interviewed by the investigation team. The information provided corroborates totally the belief that for the majority of the existence of the SDS the use of deceased children's identities was accepted as standard practice. So far forty (40) have been spoken to by Operation Herne.

7.2 Former **Commander N85**, (Head of Special Branch between 2000 and 2004 and SDS UCO between 1978 and 1980) states that,

'…a life of deception needs a true name to withstand scrutiny. I used an accepted practice; however, I did everything I could to avoid using the surname. There was no moralising about the process, I didn't think of it as stealing a child's identity. This was a long term political infiltration which was seen as justified. It was for Queen and country and peace and democracy. It was the way it was done. A registered birth was the strongest foundation; other methods were not available at the time'.

7.3 Retired **N85**, who served as the SDS Commander between 1986 and 1988 states that (Special Branch) spent, 'half our lives' at Somerset House building legends - each operative had to devise an identity for themselves. 'I inherited an approved system, …we had the safety net that this information would never become public knowledge.'

7.4 Former **N67** (who served as an SDS field officer between 1981 and 1984) states that when he started at the SDS he was told to create his own identity. Although there was not one specific training manual, there was a reference folder with tried and tested best practice.

He was aware that this documentation could help him create his legend. He gave his supervisors a list of possible identities that he researched at St Catherine's House.

7.5 N67 researched individuals that were born between 1951 and 1952, approximating to his own year of birth. He chose an individual who had died abroad and in turn created a legend blending his own biographical details to make his covert identity more believable.

7.6 Although the practice was clearly widely used by the SDS, Operation Herne has identified at least one example where an officer covertly deployed before 1994 did so, without using the details of a deceased child. The retired officer explained in an interview that he had adopted an aunt's surname and that he had successfully used it as part of his cover name.

8 Neither Confirm Nor Deny Policy

8.1 The policy of 'neither confirm nor deny' (NCND) is a tactic adopted by police officers responding to questions at court, where there are concerns that an answer to a specific question could compromise the identity of a source or some other covert asset. It appears that the policy, although long accepted as best practice, did not derive from specific legislation. However, it has been incorporated into both Criminal Procedures and Investigatory Powers Act (CPIA) 1996 and the Freedom of Information Act 2000, in regards to the management of sensitive and public interest immunity information.

8.2 The concept of NCND has its roots in common law and has been regularly applied since in a number of stated cases. It also has a basis in the Human Rights Act 1998 under Article 2 (Right to life), Article 6 (Right to a fair trial) and Article 8 (Right to Privacy). Essentially a police officer will only identify an informant if required under law. Relevant cases include:

8.3 R v Agar 1990:
Case law prevents the defence from questioning to identify the existence of a potential informant.

8.4 Attorney General v Briant 1846 (15 M. & W. 169) and Mark v Beyfus 1890 (25 QBD 424):

Which both support that an informant's identity should be protected on public interest grounds, to ensure that potential future informers aren't put off from providing assistance to Law enforcement agencies.

In Agar, the defendant appealed against conviction on the ground that the judge had erred in ruling that questions could not be put to police witnesses for fear of identifying informants, thereby weakening the defendant's attack on the police: The Court of Appeal held that nnotwithstanding the special rule of public policy which inhibited the disclosure of the identity of informants, the public interest in ensuring a fair trial for a defendant outweighed the public interest in protecting the identity of a police informer if the disclosure of the informer's identity was necessary to enable the defendant to put forward a tenable case that he had been entrapped by the police and the informer acting in concert.

In Beyfus, the judge stated that –

'I do not say it is a rule which can never be departed from; if upon the trial of a prisoner the judge should be of opinion that the disclosure of the name of the informant is necessary or right in order to shew (sic) the prisoner's innocence, then one public policy is in conflict with another public policy, and that which says that an innocent man is not to be condemned when his innocence can be proved is the policy that **must prevail**. But except in that case, this rule of public policy is not a matter of discretion; it is a rule of law, and as such should be applied by the judge at the trial, who should not treat it as a matter of discretion whether he should tell the witness to answer or not.'

8.5 The CPS Disclosure Manual states '…it is a standard response to adopt a neither confirm nor deny (NCND) approach.'

This is reiterated in the NPIA Guidance on the Lawful and Effective Use of Covert Techniques (2008) which states that,

'Neither confirming nor denying **in all cases** ensures that a failure to deny in any particular case does not amount, in effect, to confirmation. Confirming that there was no CHIS in a particular case would not cause immediate harm but could contribute to incremental damage in the longer term.'

The most recent relevant guidance is the Authorised Professional Practice (APP) published by the College of Policing. Within the media guidance section this APP states that:

'There must be a credible media strategy that does not allude to the use of undercover techniques, even when they have been referred to in court or elsewhere in the public domain.

A media strategy should contain entries to the effect that no information will be passed to the media that might lead to:

- The identification of an undercover officer of covert human intelligence source.
- Revelations of covert tactics/techniques or methods.
- Revelations regarding the existence or details of particular items of technical equipment.
- Disclosure of any other sensitive process or procedure.'

8.6 The Regulation of Investigatory Powers Act (RIPA) provides that undercover officers are dealt with by the legislation for covert human intelligence sources (CHIS) and that any authorisation must consider the potential risks against the CHIS. A risk assessment is required with consideration of other safety measures. RIPA creates obligations for the authorising officer to protect all CHISs, and this responsibility will be ongoing, even when a CHIS has ceased acting as an informant.

8.7 Although under cover officers may eventually be required to give evidence, in many cases a court will grant them special measures to protect an officer's identity.

8.8 Lastly, under common law, as an employer the MPS also has responsibilities for the safety of its staff, and potentially the outing of an officer could expose them to risk. This duty of care remains for officers who have left the service.

8.9 Operation Herne is clear that the use of this tactic was sanctioned at the highest level, was deemed as operationally necessary and was one that newly appointed undercover officers were trained in. Despite this it is clear that this tactic has been the cause of recent considerable concern and was not something that officers were always comfortable with. The question has to be addressed as to whether the parents or family members of those deceased children whose identities were used should be contacted and told of what was done. Whilst there is a strong argument that families should be contacted, this needs to be balanced against the long established NCND policy, the ongoing duty of care to the officers, the significant operational security considerations and the potential impact on elderly family members who may have dealt with their bereavement decades earlier.

9 Legal Advice regarding potential criminal offences

9.1 Operation Herne has received independent advice through the Crown Prosecution Service (CPS).

The CPS appointed **Mr Simon Ray QC** (6 King's Bench Walk, the Temple EC4) to advise on the practice of using a deceased person's identity to form a covert one.

Mr Ray's advice considered the following offences:

1 The Forgery and Counterfeiting Act 1981;

2 Deception offences under the Theft Act 1968 and the Theft Act 1978

3 The Perjury Act 1911;

4 Misconduct in a public office, contrary to common law.

5 Offence under the Road Traffic Act 1988.

6 Identity Documents Act 2010.

9.2 As the SDS officer's management team were fully aware that documents were applied for in false names, any offences under Sec 15 Theft Act 1978 are unlikely to apply. There would be no offences under the Road Traffic Act as the relevant section has only been triable 'either way' (and therefore not subject to a time-limit to commence proceedings) since January 2004. Before this the offences were summary only and would have had to have been commenced within three years of commission.

9.3 Counsel's advice refers to the case of **R v More** [1987] which was an appeal against conviction for forgery.

After a review of the facts and the legislation Mr Ray has advised that:

1 Birth certificates, passports and driving licences obtained to support alias identities of undercover officers are not false instruments for the purposes of the Forgery and Counterfeiting Act 1981.

2 The use of an alias / false identity in itself does not amount to a deception office under the Theft Act 1968 or the Theft Act 1978.

3 It is unlikely that section 5 of the Perjury Act 1911 (concerned with false statutory declarations) is engaged. However, to reach a definite conclusion it would be necessary to analyse individual applications for official documents such as passports and driving licences.

4 In using the details and birth certificates of deceased persons to create aliases, Mr Ray has concluded that identities for undercover SDS officers, in the circumstances described does not amount to misconduct in a public office.

It is Mr Ray's opinion that in the circumstances described that where applications were made with the knowledge and under the orders of senior officers, for the purposes of law enforcement, '...in my view it is unlikely that the dishonesty necessary to make out an offence...would be present.'

11 Conclusions

11.1 Operation Herne has both documentary proof and witness accounts to confirm that the genuine details of deceased children were extensively used by members of the SDS until around 1995 so as to create cover identities and thereby enable the officers to infiltrate a range of violent protest groups.

11.2 Over the years the SDS management team were aware of the practice and indeed it was actively promoted to officers recruited to the unit. Many of the SDS managers had worked on the unit as undercover officers themselves before returning later in their careers. Whilst there was no formal training programme for an officer recruited to the unit, it is clear that once recruited, the officer was instructed to establish a covert identity and to do so they routinely made use of the tactic of using the identities of deceased children.

11.3 The genuine identities of the deceased children were blended with the officer's own biographical details.

11.4 It is apparent that regardless of the significant ethical issues, the practice of using a genuine identity was an imperfect solution of the time to address the need to backstop a cover identity and that the unit had little choice before 1994. It was around this time that other practices were in place to ensure that viable fictional profiles could be created without using deceased children's details.

11.5 The genuine identities of deceased people are no longer used to construct covert legends. No accredited police undercover unit carries out this practice.

11.6 Operation Herne has to date concentrated the work around the use of identities of deceased children by the MPS SDS unit. It also is known that the NPOIU also used this tactic and that the NPOIU UCOs were initially trained by SDS officers. It is not surprising that the tactic was repeated given the similar mission of the two units and the cross over of staff.

11.7 Operation Herne has not yet researched the broader development of covert under cover tactics in policing in England and Wales. Nevertheless as the routine use of undercover tactics in police forces developed in parallel to the SDS, it is highly possible that the establishment of covert identities through the use of details of deceased children was more widely practiced.

It is a fact that UCOs working in the field of serious and organised crime also need to establish secure covert identities, create legends, obtain documentation and if necessary withstand intensive scrutiny by their targets. It would be a mistake to assume that the use of identities of dead children was solely within the SDS and the NPOIU, and the possibility is that the tactic was more widely used.

Operation Herne will consider this aspect. It is not in the terms of reference of this enquiry to consider whether this use of deceased children's identities was more widely used by other agencies involved in covert undercover tactics.

11.8 There is understandable public, political and media concern about the use of the identities of deceased children, irrespective of the context, of the operational rationale, of any perceived necessity and of any legal considerations. It is right that the public is now properly reassured that this tactic no longer takes place. A number of safe guards are in place to ensure that undercover policing is now properly regulated and managed - and these include:

1. A clear legislative framework within the Regulation of Investigatory Powers Act 2000
2. The College of Policing (COP) 'Authorised Professional Practice' (APP) Oversight
3. A national training course for UCOs
4. Authority levels for UCO deployments being at Assistant Chief Constable level - although the RIPA legislation places this at superintendent level.
5. The need for detailed reviews and renewal of any such authorised deployments, always considering necessity and proportionality.
6. Clear 'use and conduct' being stipulated in any such deployments which definitively articulate in any activity that a UCO may engage in.

Protocols are now in place that allow for the creation of identities and documentation without the need to resort upon the tactics that the SDS had to rely upon.

11.9 The deployment of properly trained and managed under cover officers to both disrupt and investigate crime is an approved vital policing tactic and has the full support of the courts, the wider public, Parliament and the Home Office. The issue of the historical use of covert identities based on the details of deceased children, however morally repugnant, should not detract from the importance of this tactic and the bravery of officers who have previously and still chose to volunteer to work in this field.

11.10 The integrity of the technique and the identity of UCOs must be protected and NCND should be used wherever appropriate.

Operation

Herne

Published July 2013

Terms of Reference for Operation Herne

The Metropolitan Police Service has received a series of enquiries, allegations and complaints made in relation to the use of Undercover and Covert policing tactics dating back several decades. These allegations are specifically in relation to the 'Special Demonstration Squad' (SDS) and latterly the National Public Order Intelligence Unit (NPOIU) and emanate from a series of sources and individuals including:

- People who claim to have been subject to SDS deployments and as a result have suffered some form of personal injury or distress
- People who claim their convictions are unsafe as a result of the abuse of the tactics against them
- People who claim the use of the tactics has negatively affected their ability to gain employment
- Investigative journalists
- Members of Parliament

As a result of this activity the MPS is now dealing with a number of civil claims, media enquiries, numerous Freedom of Information requests, and senior officers have been questioned by the Home Affairs Select Committee. It is understood that there are also threatened actions being made against the MPS from officers both serving and retired who have previously served on the SDS. Chief Constable Mick Creedon from Derbyshire has been asked to take the lead role in Operation Herne on behalf of the Commissioner.

The Independent Police Complaints Commission (IPCC) was first made aware of this review in November 2011. A number of matters have been referred to the IPCC each has agreed terms of reference and are supervised investigations (mode of investigation). These terms of reference and the mode of investigation will form part of the initial review conducted by the Chief Constable.

As the investigation has progressed so has the external interest and scrutiny, in particular some media outlets, some Members of Parliament and the Home Affairs Select Committee. Mindful of the many complaints and allegations and the high degree of public and political interest, the MPS Commissioner is clear of the need for an objective and transparent enquiry. Chief Constable Mick Creedon from Derbyshire has been asked

MPS FOIA Disclosure

to take the lead role in managing this work on behalf of the Commissioner.

There are two parts to this work that need to be run concurrently. It is not possible to contextualise or understand some of the current allegations concerning the activity of the SDS without understanding the history of the unit, its formation, its management and leadership, how the unit operated and what it did. Without clarity on these issues any investigation is necessarily limited and potentially subject to challenge.

The MPS and the Operation Herne incident room currently faces the challenge of understanding the historical context and operating environment of the SDS whilst also dealing with the growing number of direct allegations and complaints that have been made. In addition there is urgency in this work given the need to maintain public confidence in the use of undercover and covert policing tactics and the broader context of public and political confidence in policing. This urgency is also necessary given the emerging civil claims being dealt with by the MPS

The enquiry will have two distinct elements that will run in parallel – one considering the historical and operating context of the SDS and the other investigating the specific complaints and allegations. These are very different strands of investigative activity and ideally it would be best to fully understand the history and the operating context before seeking to carry out any direct investigations resulting from deployments. To do anything other than this risks viewing the SDS and the complaints/allegations in isolation and bringing a number of logistical, legal, presentational and evidential difficulties. It is recognised this approach is problematic given the current high levels of interest, the civil claims, and the need to treat everyone fairly – including the officers who have served on the unit. To seek to accommodate the twin demands of Operation Herne dedicated staff will be allocated to each element and the work coordinated by a single management and Incident Room.

Strand 1

The first strand will examine the creation of the SDS and how the unit operated throughout its existence. It is understood that the unit was created in 1968 and operated until it was closed sometime between 2006 and 2008. This work will seek to discover:

- The initial establishment, the rationale and terms of reference for the SDS.
- The role of the Home Office in relation to the SDS

MPS FOIA Disclosure

- The role of the Metropolitan Police Service in relation to the SDS
- The funding for the SDS
- How the SDS was deployed and tasked.
- The management, oversight and accountability mechanism for the SDS.
- The legal, regulatory and ethical frameworks within which SDS operated.
- The organisations, groups and subjects the SDS were targeting and/or reporting on
- The reporting mechanism – both in terms of intelligence and evidential reporting
- High profile operations SDS were involved in
- The selection, recruitment, training, tradecraft guidance and support provided to SDS officers.
- The role of SDS in relation to other state agencies.
- The work will not report on anything that would involve breaching the Official Secrets Act or compromising national security.

Given the timescales and the vast amount of material (well over 50,000 documents have been recovered to date), this stage of the review will be conducted to an objective review standard, not a pure evidential standard. This distinction is necessary to allow a full review and cooperation of all involved to inform the process of understanding the work of SDS.

Whilst considerable documentation has been recovered from the MPS, it is not clear what documentation has been recovered from other agencies, including the Home Office.

A detailed enquiry strategy will be documented to describe how this work will be conducted.

Strand 2

This part of the work encompasses a number of distinct investigations and inquiries. Operation Herne is already undertaking several ongoing investigations and there have recently been additional referrals. These investigations are active and are a result of the complaints, allegations and civil claims that have already been described. Some of these investigations are at a stage where there is ongoing liaison with the Crown Prosecution Service.

There is a distinct risk that given the 40 year timescales, the breadth of activity of the SDS and the current level of interest, there will be more

MPS FOIA Disclosure

complaints made. The current Op Herne Incident Room and Investigation team are at risk of reactively responding to and investigating numerous individual events without ever gaining a comprehensive understanding of the full context. The MPS Commissioner has been clear that in asking Chief Constable Creedon to lead this enquiry he is seeking to have a full and comprehensive understanding of the SDS and its operations over the 40 years.

The enquiry will need to review and consider these existing investigations being considered by Operation Herne so that a clear decision can be made as to how they should be progressed. Initially the enquiry will review in full and then report in detail on the interim position in relation to each specific current investigation. This review will include:

- the nature of the allegations or complaints,
- the behaviour under investigation
- the details of the officer(s) subject to the investigation
- the current status of the officer(s)
- the dates of the deployments
- whether the alleged behaviour is potentially criminal behaviour or would be a matter for consideration under the conduct regulations
- what enquiries and evidence has been gathered to date
- what further enquiries or evidence gathering needs to take place to conclude the investigation
- any specific legal advice gained to date

Once this review work is concluded the enquiry will report to the MPS Commissioner with a view to making decisions about the future detailed investigations that can realistically be carried out to an evidential standard. The involvement of the IPCC and referral criteria will be adhered to in accordance with the requirements of the Police Reform Act.

In considering both strands, the enquiry will consider the overall behaviour of staff involved with the SDS – but clearly recognising that whatever actions were carried out have to be considered in the broader context of strand 1. Any actions by staff working on or with the SDS will have to be understood in terms of the leadership, supervision, support, training, legal framework, tasking and reporting mechanisms that were in place at the time. Specifically the enquiry will consider whether either strand has indicated the behaviours currently alleged and including:

1. inappropriate sexual relationships
2. the use of false identities
3. the practice of blacklisting

MPS FOI/A Disclosure

4. individuals named in parliament as being responsible for serious criminal offences.

The enquiry will also consider any potential miscarriages of justice arising from the outcome of deployments by the SDS.

Throughout the enquiry the approach will be one that is proportionate but also comprehensive. Any potentially criminal behaviour of the SDS and of specific officers will be reported to the Commissioner on an ongoing basis.

Coordination activities

Chief Constable Creedon is leading the work on behalf of the MPS Commissioner and it is essential that there is strong coordination and clear and defined lines of communication. There will be a monthly coordination meeting to review progress; this will either be in person or via telephone conferencing. The Deputy Commissioner and Chief Constable Creedon will agree who attends the meeting.

If during the course of the enquiry any information comes to light which Mr Creedon considers the Commissioner needs to know about he will ensure there is direct and immediate communication. If any information comes to light that might suggest a miscarriage of justice, this will be brought to the attention of the CCRC. Likewise, if any fresh information comes to light suggesting criminal and misconduct behaviour, this will be referred to the IPCC in line with the referral criteria from the Police Reform Act. In either case the MPS Commissioner will be made aware of the fresh information.

Investigation Team

Operation Herne is currently being lead by the MPS Directorate of Professional Standards. The Incident Room is lead by a MPS Senior Investigating Officer and there is a combination of investigative staff and HOLMES Major Incident Room staff. To date the investigation has been managed by Chief Officers from within the MPS DPS. Once the lead responsibility moves to Chief Constable Creedon he will assume the overall leadership of the enquiry. Mr Creedon will determine the SIO and MIR responsibilities and staffing. In the main the staffing will remain as it is now from within the MPS, however he will determine which roles are carried out by staff from Derbyshire and the East Midlands Specialist Crime collaboration resources.

MPS FOIA Disclosure

Operational Security

At least initially the MIR will remain within MPS DPS secure accommodation. The incident is being managed on secure CT HOLMES and Mr Creedon will review this as soon as possible. To ensure and enforce operational security, all team members – both current and future – will be subject to formal indoctrination and a signed copy of their individual indoctrination form will be held within the secure HOLMES account.

Specific Risk Assessments

Mr Creedon will ensure that there is a full and transparent risk assessment process in place for any individual considered to be 'at risk'. This will include any staff working on the enquiry, any members of the public, any members of other agencies and any members of the SDS – both those still serving with the MPS and those retired.

Funding

Mr Stephen Rimmer, Director of Policing at the Home Office, has indicated that in taking on this work, there should be no additional costs to either the Derbyshire Constabulary or the East Midlands. Any additional costs will be subject to a specific Home Office grant. All MPS costs will continue to be borne by the MPS. All additional costs incurred (including opportunity costs) by Mr Creedon and his staff from outside the MPS will be recorded and will be covered by a specific grant from the Home Office.

Civil Actions

The response to civil actions will remain the responsibility of the Commissioner and will be handled through DLS and DPS. Given the 2 strands of the enquiry and the likely timescales in concluding either of them, the MPS will obtain specialist legal advice on how these matters should be dealt with

Freedom of Information Act

All FOIA requests relating to Operation Herne will be co-ordinated through the MPS and will only be released once Chief Constable Creedon and the Commissioner have confirmed they are content with response.

MPS FOIA Disclosure

Press

Press inquiries will be coordinated between Derbyshire and the MPS. If the inquiry relates to the work of Chief Constable Creedon he will retain sign off for anything released.

Stakeholders

Stakeholder management will be agreed through the coordination meetings. Mr Creedon will establish an overall strategic coordination group at which a number of key stakeholders will be present. These will include the MPS, the CCRC, the ACPO lead for the UC working group, HMIC and such specific specialist advisors as Mr Creedon determines he needs to support the work he is leading

Legal Support and Advice

The MPS Directorate of Legal Services has to date provided the ongoing legal advice in relation to Operation Herne. It is likely that they will be in a position where this can continue. Nevertheless, it is the case that this is a detailed enquiry into several decades of activity of a small department within the Metropolitan Police Service. It is essential that Mr Creedon has access to external independent advice – this is not only to demonstrate transparency and objectivity, but also to ensure there is no conflict of interests.

Publication

Any reports produced will be produced on the basis that they will be published, subject to the usual legal safeguards. Any publication will need to take account of any ongoing criminal or conduct investigations.

Lessons learned

There remains considerable public, media and political interest in the use of undercover policing tactics. The Police service and other agencies recognise the value of these tactics and recognise the concerns that have resulted from recent high profile scrutiny and publicity. Mr Creedon will ensure that as part of the enquiry there is a continuing 'lessons learned' aspect that reports where necessary and appropriate both during and at the conclusion of the work.

MPS FOI/DP Disclosure

.....
Mick Creedon, Chief Constable, Derbyshire Constabulary

.....
Craig Mackay, Deputy Commissioner, Metropolitan Police Service

MPS FOIA Disclosure

MI5 and MAFIA lists

Sat, 25/01/2014 - 9:43pm #12

Brian
Offline
Joined:
08/11/2011

> ***raj* wrote:**
>
> There is a large amounbt of evidence held by the ISI in Pakistan itself of Tony Blairs Government being involved in the illegal importation of a quantity of drugs.I can confirm that AL-QAEDA kept its own secret lists of its own soldiers.I believe that in Britain they have similar sytems that are against Human rights law I hope this answers your question Brian

My question was directed at spud in an effort to get at what concerns him/her in particular over lists being kept by different organisations for their own reasons?

Your comment is based on hearsay and does nothing to improve my understanding on what this thread is all about.

Yours For Positive Socialist Activity

Brian

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Thu, 30/01/2014 - 2:32pm #13

spud
Offline
Joined:
24/01/2014

THE SECRET POLICE:

If you examine modern political history the state and criminals have always in many areas worked together Lee Harvey Oswald a former US marine JFK allegedly spent time in the U.S.S.R,there is absolutely no way this guy wasnt known to the FBI/CIA yuo couldnt get into USSR as American without being known at that time without being checked by US Government .So it is hypothetical on the rest of the unfolding history of Oswald.The book Black Mass deals with the FBI and criminals again on how the state recruited criminals as the title of the book states the true story of an unholy alliance between the FBI and the IRISH Mob,Terror Inc explains how Bin Laden worked for the CIA.Jack Ruby killed Lee Harvey Oswald inside of Dallas Police Station.I would state that this killing was aided with the Secret Police.

The secret police have been well known through American and European history however the British Secret Police isnt a subject that the left wing Anarcho or even the main media has picked up on, incidentally Vladimir Puttin was a former KGB member.The british have always put the clamps on exposing the Secret Police within Britain.I guess the first book of any worthy note was Fifty Dead Men Walking alleged true story of Secret Police in the North of Ireland war,and of course last years Undercover authors Paul Lewis and Rob Evans.What I would like to explain here exclusively is that The British Secret Police have no "real" structure that can be identified as there are different forms of Secret Police within the British Police itself and to stipulate who how and ware would be critical to their operations, from the book Undercover you would think they are all assigned to Departments CRAP! there are diiferent types of Secret Police in britain and the last thing anyone will ever find out about them is exactly how they operate thats because many Secret Police in the past originate from other Government bodies such as Army and Naval intellegence.The books title Undercover is a real crafty title let me explain here undercover cops ARE NOT SECRET POLICE.Undercover is a police term for operations required without being known plain clothes being used etc ,the secret police is a whole different ballgame.Secret Police are exactly that and are accountable to Mi5 they do give Mi5 information and intellence despite what people tell you.

SECRET POLICE OPERATIONS

The secret Police have been and are involved in such things as Jury selection,DNA Plants,Forensic Plants, covert operations using force dirty trix etc and most importantly MAINTAINING LISTS AND BLACKLISTS.The Secret Police require their own private clients and "army" of civilians that they themselves organise and misuse so to speak their list include individuals,companies ,socities ,clubs you name it.Say for an example the police themselves need protection you have a word with the Secret Police these chaps can get 500 civilians within half an hour phoneing up newspapers other police station Embassies you name it getting a person or an organisation named and listed and put up on crime lines.the Secret Police in the U.K are directly involved in how Capitalism functions as they have companies who work for them that are extremly powefull and rich and youlll never find out who works for them because that would be naming companies connected to and working onbehlf of organisation such as MI5.The types of British police stations that the secret Police were infamously famous for were in South and North London Camberwell police station,Stockwell,Stoke newington.these

areas were always "hot beds" for political activity.Many crimes n the UK remain unsolved purposely because the secret police over the years can manipulate person and write suspects into unsolved crime thus "feeeding" civilians and alleged private companies by allowing these people to continually follow people that are kept sereptisiouly upon lists,you can have hundreds of suspects held on data based/lists as suspects of the same crime especially if it hasnt been solved for a considerable amount of time.

David Dundale former HMP Bullingdon

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Thu, 30/01/2014 - 2:39pm #14

spud
Offline
Joined: 24/01/2014

THE SECRET POLICE:

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Thu, 30/01/2014 - 2:47pm #15

jondwhite
Offline
Joined: 19/12/2011

> **Quote:**
>
> however the British Secret Police isnt a subject that the left wing Anarcho or even the main media has picked up on

I take it you (or David Dundale whoever that may be) have never seen the espionage magazines in W H Smiths, or more lefty ones like Lobster magazine or Notes from the Borderland in particular which has named MI5 contractors?

http://www.borderland.co.uk/

> **Quote:**
>
> Secret Police are exactly that and are accountable to Mi5 they do give Mi5 information and intellence despite what people tell you.

Who denies the existence of British domestic intelligence agencies? Its' on Wikipedia here https://en.wikipedia.org/wiki/Template:UK_Intelligence_Agencies.

There is also Special branch https://en.wikipedia.org/wiki/Special_Branch

The head of intelligence agencies is now publicly announced and the headquarters has even been used in James Bond films.

Cardiff Anarchist Group unmasked Mark Kennedy as a secret police officer almost 5 years ago. David Shayler was making statements almost 20 years ago about the political nature of MI5. Spycatcher was saying similar things almost 30 years ago. Marx was unmasking Karl Vogt over 150 years ago.

To claim this is revelatory is a lie.

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Thu, 30/01/2014 - 3:10pm #16

raj
Online
Joined: 25/01/2014

Jondwhites own input has exposed the exsistance of the Secret police in U.K you have to admit that there has been something of a newsblackout to this specific subject of the exsistance of the Secret Police in mainstream media in UK also you have to question some of the sources in Lobster that you have mentioned some stories are kinda weird noy socialist anarch based correct me if I am wrong also they dont really let you on activities as david Dundale has demonstrated

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Thu, 30/01/2014 - 4:59pm #17

jondwhite
Offline
Joined: 19/12/2011

Lobster is edited by Robin Ramsay who I think may be a Labour supporter.

Borderland has declared its perspective as anarcho-green.

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Thu, 30/01/2014 - 11:03pm #18

moderator1
Offline
Joined:

Reminder Rule 6. Do not make repeated postings of the same or similar messages to the same thread, or to multiple threads or forums (‘cross-posting’). Do not make multiple postings within a thread that could be consolidated into a single post (‘serial

03/11/2013	posting'). Do not post an excessive number of threads, posts, or private messages within a limited period of time ('flooding').

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Sat, 01/02/2014 - 11:41am #19

raj Online Joined: 25/01/2014	THE SECRET POLICE AND MAFIA (SECRET POLICE UNDERCOVER DEPARTMENT) If you observe the content of this page you will notice that the press and the police complaints people in uk acknowledge the exsisitance of the Secret Police. Ok now understand the following that there are MI5 contractors and companies that work for the Secret Police themselves also individuals are citizens,remember here that this site has shown civilians working for the police!!!!These people or at least some of them are MAFIA and they dont it for free do they?.Now the point making here is that how do you or any of us know if there sending this information ANY where else?.This is how Tony Blair leaked everything out through the back door Tathead ufo spotter COLM SHAYLEAR in my mindis the type of person who has the power to expose this,my guess hes still working for them UNDERCOVER LIKE.As for Tony Blair,The Government knew it was going to be a labour Government if any one was a prime suspect as a coverted MI5 officer its im,I think from memory he wasnt going to stay in politics if he hadnt won election I also think he was also ex solicitor.as for Vladimir Puttin an ex secret Police officer a good example of how powerfull the Secret Police become and go on to lead the country .The Secret Police in uk account for countless millions each year goimg missing youve got to understand that once the intelligence services get taken over by private contracting companies etc the power changes.You have all witnessed the Secret police in action through the IPCC last year the point here is that all these private companies start employing sub contractors and other alliances in the end every junkie bent cop criminal and middle class nazi ends up working for some form of reward and ware not even talking Muslim exteremists yet one other thing you dont know even who iam i could be David Dundale,Jwhite,raj ALB anyone this is freedom of Democray and it doesnt matter who leaks out how they all made there money as ALB quoted MI5 dont exactly have are best intrests at Hertford do they?and buy the time youve read this theyve all left the Secret Police with Tony Blairs dirty money living in other countries I would imagine that the FBI and everyone else will never recover over to you MIKE THE HEIST Tesco inc.

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Theme by Dr. Radut.

MI5 and MAFIA lists

Fri, 24/01/2014 - 12:49pm #1

spud
Offline
Joined:
24/01/2014

MI5 and MAFIA lists

MI5 are very much aware of lists they keep them however there are persons who work for the British Government who are of a different political ideology we need security against terrorists however the class sysytem in uk is based on privalage british intelligence are aware of heroin being taken into prisons so that prisoners and staff altered mi5 records by altering computer systems David Dundale has evidence of this and more of the mafia and military working together in uk add your comments here

Edited by moderator1 on 30/01/2014 - 10:54pm

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Tags:

- General discussion

Fri, 24/01/2014 - 3:51pm #2

spud
Offline
Joined:
24/01/2014

what

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Fri, 24/01/2014 - 4:42pm #3

spud
Offline
Joined:
24/01/2014

Politics is quite simple really the people with the guns maintain it,without force you would not have democracy,in every alleged democracy you find fascists you find them in Government in the police in the intelligence service and in the public also in other organisations the simplest way of describing lists to some one in the uk was and still is the Northern ireland conflict were both uda and ira held lists of people they were trying to kill,in london they have many weird and wonderfull organisations that keep lists on people.however through my expierence in life fascists work with each other so fascists in ireland work with fascists in america and uk and the fascists that do exsist who work in government control them. Fascists arent always white look at Gadaffi,hussein ok they werent subscribed to the same principles as white fascists however what they did to their own people was fascist full stop period.

One form of fascism is when people maintin silence of what they know is going on around them,my personal beef with An Phoblacht for example in eire ireland is that they have a news paper and dont report the bourgeois nazis you find in the republic of ireland who have gained financially on keeping people on lists, the same nazis that the queen of England and the fbi and cia employ to do their dirt for them, you understand their a club of nazis mainting lists on people.{sic not all employees of MI5 and cia are nazis i apologise for this however why aint they reporting the others who are??}

ok so how are lists maintained,this is done through privilege,i had some diryt trixster(nazi) steal some of my own political work one piece was on privilege,it took my person a day to write it and some b*****d a few seconds to remove.Privilege in the uk is something the working class political rags/papers(class bore dam rcp etc) dont really constructively examine or point out in writing, it accounts for countless of billions in cash in uk alone that has surreptitiously appeared and disappeared over the last 2 decades, many people con the masses into believing they worked for there wealth CRAP! your priviledge got you it...Anyhow privilege means I get a job in LIDLS supermarket and all I do all day is talk aboat the same guy that buys his food there and gets himself filmed, the lidls video then gets sent to a bent cop through a security company as a suspected fraud credit card user on a crimeline and then this gets the man followed around town for the next six months, wether hes guilty of owning false cards or not, this is working class privilege because you dont get to keep your job unless you participate in looking for guys who can be followed. Drug users talk aboat this guy being wanted as a fraudster in exchange for putting him up on mobile phones and get free drugs for saying this on phone lines,the drug addict gets driving licences sent to their flats and exchanges them for more heroin the cops work for the bent solicitors who protect the driving licence holder from being prosecuted who gets i can write a book on this subject however any 2 bit cop or junkie can tell you how middle class nazis in london get all there credit card bills waved through , all the false credit cards the police and banks are telling us aboat each year account for a percentage of priviledge gained credit cards involving drug users morgage defaulters and bent cops end of story full stop period.The fascists at the top white wash credit crime over a number of years with politicians signing secret service contracts so nobody gets found, whilst cash back mike the heist from tesco inc. all change their names again and all go for a nice long walk.

once your on a list you cant function properly as a person just ask any former kgb ajent or eastern european police officer from the 1990s it is against human rights law and fascistic to keep people on lists and believe meit is a well known technique used by certain police and mi5/cia operatives who have used both succesfully and (un)succesfully for many years

I have researched the internet in crime sites and political sites and nowhere can i find articles by people explaining MI5 and mafia lists,remember you can only carry on for so long before MI5 find out aboat it or themselves are a part of it simply explained you cant be a continual suspect to a crime without the police ruling you out so again its evidence of people being held continously on lists in order to maintain a structure based around fascism and crime in order to maintain priviledge and gain capital from it, if your getting stopped and searched alll the time by the police your on a list full stop period.

so why the silence why doesnt anybody acknowledge lists held in the uk? good question id be very suprised if a single politician or solicitor bothers to reply to this article by adding a reply

My name is David Dundale I do not in any way support any form of terrorism against Israel United states or Britain support peace in Ireland and want peace between muslims and Jews and DO NOT TOLERATE RACISM OR FASCISM, I condem certain former MI5 operatives for working with fascists in Europe and maintining lists that formed the base of muslim terrorism and allowing records held by the Government of Britain to be used by drug cartels and middle class nazis in uk and Ireland to financially gain through privelege.Thanx to spud for allowing me to use his web site I am not a member of SPGB and afford the public to condem movements that promote fascism as i have.

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Sat, 25/01/2014 - 7:56am #4

ALB
Offline
Joined:
22/06/2011

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Top

Sat, 25/01/2014 - 12:39pm #5

spud
Offline
Joined:
24/01/2014

ALB-

Top

Sat, 25/01/2014 - 2:52pm #6

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Theme by Dr. Radut.

MI5 and MAFIA lists

Fri, 24/01/2014 - 12:49pm #1

spud
Offline
Joined:
24/01/2014

MI5 and MAFIA lists

MI5 are very much aware of lists they keep them however there are persons who work for the British Government who are of a different political ideology we need security against terrorists however the class sysytem in uk is based on privalage british intelligence are aware of heroin being taken into prisons so that prisoners and staff altered mi5 records by altering computer systems David Dundale has evidence of this and more of the mafia and military working together in uk add your comments here

Edited by moderator1 on 30/01/2014 - 10:54pm

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Tags:

- General discussion

Fri, 24/01/2014 - 3:51pm #2

spud
Offline
Joined:
24/01/2014

what

Top

Fri, 24/01/2014 - 4:42pm #3

spud
Offline
Joined:
24/01/2014

Politics is quite simple really the people with the guns maintain it,without force you would not have democracy,in every alleged democracy you find fascists you find them in Government in the police in the intelligence service and in the public also in other organisations the simplest way of describing lists to some one in the uk was and still is the Northern ireland conflict were both uda and ira held lists of people they were trying to kill,in london they have many weird and wonderfull organisations that keep lists on people.however through my expierence in life fascists work with each other so fascists in ireland work with fascists in america and uk and the fascists that do exsist who work in government control them. Fascists arent always white look at Gadaffi,hussein ok they werent subscribed to the same principles as white fascists however what they did to their own people was fascist full stop period.

One form of fascism is when people maintin silence of what they know is going on around them,my personal beef with An Phoblacht for example in eire ireland is that they have a news paper and dont report the bourgeois nazis you find in the republic of ireland who have gained financially on keeping people on lists, the same nazis that the queen of England and the fbi and cia employ to do their dirt for them, you understand their a club of nazis mainting lists on people.{sic not all employees of MI5 and cia are nazis i apologise for this however why aint they reporting the others who are??}

ok so how are lists maintained,this is done through privilege,i had some diryt trixster(nazi) steal some of my own political work one piece was on privilege,it took my person a day to write it and some b*****d a few seconds to remove.Privilege in the uk is something the working class political rags/papers(class bore dam rcp etc) dont really constructively examine or point out in writing, it accounts for countless of billions in cash in uk alone that has surreptitiously appeared and disappeared over the last 2 decades, many people con the masses into believing they worked for there wealth CRAP! your priviledge got you it...Anyhow privilege means I get a job in LIDLS supermarket and all I do all day is talk aboat the same guy that buys his food there and gets himself filmed, the lidls video then gets sent to a bent cop through a security company as a suspected fraud credit card user on a crimeline and then this gets the man followed around town for the next six months, wether hes guilty of owning false cards or not, this is working class privilege because you dont get to keep your job unless you participate in looking for guys who can be followed. Drug users talk aboat this guy being wanted as a fraudster in exchange for putting him up on mobile phones and get free drugs for saying this on phone lines,the drug addict gets driving licences sent to their flats and exchanges them for more heroin the cops work for the bent solicitors who protect the driving licence holder from being prosecuted who gets i can write a book on this subject however any 2 bit cop or junkie can tell you how middle class nazis in london get all there credit card bills waved through , all the false credit cards the police and banks are telling us aboat each year account for a percentage of priviledge gained credit cards involving drug users morgage defaulters and bent cops end of story full stop period.The fascists at the top white wash credit crime over a number of years with politicians signing secret service contracts so nobody gets found, whilst cash back mike the heist from tesco inc. all change their names again and all go for a nice long walk.

once your on a list you cant function properly as a person just ask any former kgb ajent or eastern european police officer from the 1990s it is against human rights law and fascistic to keep people on lists and believe meit is a well known technique used by certain police and mi5/cia operatives who have used both succesfully and (un)succesfully for many years

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so why the silence why doesnt anybody acknowledge lists held in the uk? good question id be very suprised if a single politician or solicitor bothers to reply to this article by adding a reply

My name is David Dundale I do not in any way support any form of terrorism against Israel United states or Britain support peace in Ireland and want peace between muslims and Jews and DO NOT TOLERATE RACISM OR FASCISM, I condem certain former MI5 operatives for working with fascists in Europe and maintining lists that formed the base of muslim terrorism and allowing records held by the Government of Britain to be used by drug cartels and middle class nazis in uk and Ireland to financially gain through privelege.Thanx to spud for allowing me to use his web site I am not a member of SPGB and afford the public to condem movements that promote fascism as i have.

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Sat, 25/01/2014 - 7:24pm #11

jondwhite
Offline
Joined: 19/12/2011

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Theme by Dr. Radut.

MI5 and MAFIA lists

Fri, 24/01/2014 - 12:49pm #1

spud
Offline
Joined:
24/01/2014

MI5 and MAFIA lists

MI5 are very much aware of lists they keep them however there are persons who work for the British Government who are of a different political ideology we need security against terrorists however the class sysytem in uk is based on privalage british intelligence are aware of heroin being taken into prisons so that prisoners and staff altered mi5 records by altering computer systems David Dundale has evidence of this and more of the mafia and military working together in uk add your comments here

Edited by moderator1 on 30/01/2014 - 10:54pm

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- General discussion

Fri, 24/01/2014 - 3:51pm #2

spud
Offline
Joined:
24/01/2014

what

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Fri, 24/01/2014 - 4:42pm #3

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Joined:
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Politics is quite simple really the people with the guns maintain it,without force you would not have democracy,in every alleged democracy you find fascists you find them in Government in the police in the intelligence service and in the public also in other organisations the simplest way of describing lists to some one in the uk was and still is the Northern ireland conflict were both uda and ira held lists of people they were trying to kill,in london they have many weird and wonderfull organisations that keep lists on people.however through my expierence in life fascists work with each other so fascists in ireland work with fascists in america and uk and the fascists that do exsist who work in government control them. Fascists arent always white look at Gadaffi,hussein ok they werent subscribed to the same principles as white fascists however what they did to their own people was fascist full stop period.

One form of fascism is when people maintin silence of what they know is going on around them,my personal beef with An Phoblacht for example in eire ireland is that they have a news paper and dont report the bourgeois nazis you find in the republic of ireland who have gained financially on keeping people on lists, the same nazis that the queen of England and the fbi and cia employ to do their dirt for them, you understand their a club of nazis mainting lists on people.{sic not all employees of MI5 and cia are nazis i apologise for this however why aint they reporting the others who are??}

ok so how are lists maintained,this is done through privilege,i had some diryt trixster(nazi) steal some of my own political work one piece was on privilege,it took my person a day to write it and some b*****d a few seconds to remove.Privilege in the uk is something the working class political rags/papers(class bore dam rcp etc) dont really constructively examine or point out in writing, it accounts for countless of billions in cash in uk alone that has surreptitiously appeared and disappeared over the last 2 decades, many people con the masses into believing they worked for there wealth CRAP! your priviledge got you it...Anyhow privilege means I get a job in LIDLS supermarket and all I do all day is talk aboat the same guy that buys his food there and gets himself filmed, the lidls video then gets sent to a bent cop through a security company as a suspected fraud credit card user on a crimeline and then this gets the man followed around town for the next six months, wether hes guilty of owning false cards or not, this is working class privilege because you dont get to keep your job unless you participate in looking for guys who can be followed. Drug users talk aboat this guy being wanted as a fraudster in exchange for putting him up on mobile phones and get free drugs for saying this on phone lines,the drug addict gets driving licences sent to their flats and exchanges them for more heroin the cops work for the bent solicitors who protect the driving licence holder from being prosecuted who gets i can write a book on this subject however any 2 bit cop or junkie can tell you how middle class nazis in london get all there credit card bills waved through , all the false credit cards the police and banks are telling us aboat each year account for a percentage of priviledge gained credit cards involving drug users morgage defaulters and bent cops end of story full stop period.The fascists at the top white wash credit crime over a number of years with politicians signing secret service contracts so nobody gets found, whilst cash back mike the heist from tesco inc. all change their names again and all go for a nice long walk.

once your on a list you cant function properly as a person just ask any former kgb ajent or eastern european police officer from the 1990s it is against human rights law and fascistic to keep people on lists and believe meit is a well known technique used by certain police and mi5/cia operatives who have used both succesfully and (un)succesfully for many years

I have researched the internet in crime sites and political sites and nowhere can i find articles by people explaining MI5 and mafia lists,remember you can only carry on for so long before MI5 find out aboat it or themselves are a part of it simply explained you cant be a continual suspect to a crime without the police ruling you out so again its evidence of people being held continously on lists in order to maintain a structure based around fascism and crime in order to maintain priviledge and gain capital from it, if your getting stopped and searched alll the time by the police your on a list full stop period.

so why the silence why doesnt anybody acknowledge lists held in the uk? good question id be very suprised if a single politician or solicitor bothers to reply to this article by adding a reply

My name is David Dundale I do not in any way support any form of terrorism against Israel United states or Britain support peace in Ireland and want peace between muslims and Jews and DO NOT TOLERATE RACISM OR FASCISM, I condem certain former MI5 operatives for working with fascists in Europe and maintining lists that formed the base of muslim terrorism and allowing records held by the Government of Britain to be used by drug cartels and middle class nazis in uk and Ireland to financially gain through privelege.Thanx to spud for allowing me to use his web site I am not a member of SPGB and afford the public to condem movements that promote fascism as i have.

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ALB
Offline
Joined:
22/06/2011

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> Our social institutions are founded on certain ideas; as long as the latter are generally believed, the institutions built on them are safe. Government remains strong because people think political authority and legal compulsion necessary. Capitalism will continue as long as such an economic system is considered adequate and just.

This means that the most subversive of capitalism activity that socialists can engage in is undermining these ideas by constant criticism of them. Which is what we in the Socialist Party are doing. When a sufficient number have rejected capitalist ideas then capitalism's days are numbered, even if they do initially still have guns but a socialist majority can take these away from them by winning control of political power itself.

You are right that under capitalism democracy is distorted by all sorts of things, including the secret services and their activities. I'm not sure that "fascism" is the right word to describe this. A better term would be "authoritarianism" or something like that. After all, these practices existed before historical fascism. In fact the word "fascism" should probably be confined to the inter-war period in Central and Southern Europe.

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spud
Offline
Joined:
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ALB-

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Sat, 25/01/2014 - 2:52pm #6

spud
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Joined:

ALB WROTE- I embrace your intellectualism and thank you most genuinely for your input into this web page,your the first to save my sanity ! I completly agree the subject that you have engaged with is itself a complete subject within a hastily compiled

24/01/2014	article that deserves further political debate, the article you refer to is itself sketchy and has been produced not for my own self pity or want of political recognition however an absolute necessity, the very subject itself for example of "privilege" within this article is what I would gracefully ask you to address. It is so painfull within my mind watching even the working class itself falling into this abyss.I perceive upper working class, lower working class,middle working class now becoming an issue within the very proletariat itself and how it is structured.I recently read an article written by none other than Gerry Adams TD Sinn Fein in the Metro daily free newspaper,im not hear to promote or endorse in any way this man however the observation I made within his article was a strong reference to "priviledge".I believe this is a good statrting point as an example of a politicians different perceptions in politics over what "priviledge" is within politics itself , Mr Adams refernces were to the abolishment of Seanad (part of the Irish Government). I would like to clearly state that his paper An Phoblacht has had more than enough time to expose the upper middle class bourgeois Nazi reclaiming land and running private armies within the Republic of Ireland and yet sadly there remains a complete void upon this subject or at least very little that surfaces within the internet issued by his party.I would like to remind the readers of this sub article that parts of The Republic of Ireland is modelling itself upon Serbian and Croatian inbred fascism based on the "privilege" system held by an increasing percentage of far right farmers land and building owners who are continually waging a war to keep the working class off the national land a clandestine war not to my knowledge mentioned by or even recognised by An Phoblact and that this secret war has remarkable similarities between travellers in the uk and how they have been spied upon and kept on lists.Priviledge in uk society is a sinister and ever growing cancer and like fascism needs a victim most people gain from others loss,Librarians,bus drivers,post office workers are quite often used to keep people on lists and often work with mafia and secret service ajents in creating "priviledge" the real culprits are the far right type of home office workers who get extra perks and alleged private buisnessmen in society getting presents.The list is endless however without this form of system there wouldnt be lists.the sicialian mafia.the stasi,the mob in New York all keep lists and all connected to Politicians and Paramilitary groups even football violence and gangs in London are all controlled by insiders and fascists and keep lists of rivals and enemies.Without priviledge British Government wouldnt function .The Monarchy itself is the most rancid form of structured priviledge that you can percieve within a country.Finally the BBC last year exposed the British Military investigating Heroin found on ther own planes flying from Afghanastan,the prison service provided free Heroin to inmates in Tony Blairs leadership in exchange for helping the prison officers to write prison reports that were later on published on their own prison computer systems and then in turn napstered extrnally by police and mi5.Basically heroin was used by the British state and still is to rewrite political history,the type of dirty trix reports created or generated like this account for creating lists of men who could account for intelligence,suspected un solved crimes,suspected quantities of hidden or none recovered money and items suspected identy firearms political persuasion once again thanx to SPUD and David Dundale former Bullingdon for this info

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ok so how are lists maintained,this is done through privilege,i had some diryt trixster(nazi) steal some of my own political work one piece was on privilege,it took my person a day to write it and some b*****d a few seconds to remove.Privilege in the uk is something the working class political rags/papers(class bore dam rcp etc) dont really constructively examine or point out in writing, it accounts for countless of billions in cash in uk alone that has surreptitiously appeared and disappeared over the last 2 decades, many people con the masses into believing they worked for there wealth CRAP! your priviledge got you it...Anyhow privilege means I get a job in LIDLS supermarket and all I do all day is talk aboat the same guy that buys his food there and gets himself filmed, the lidls video then gets sent to a bent cop through a security company as a suspected fraud credit card user on a crimeline and then this gets the man followed around town for the next six months, wether hes guilty of owning false cards or not, this is working class privilege because you dont get to keep your job unless you participate in looking for guys who can be followed. Drug users talk aboat this guy being wanted as a fraudster in exchange for putting him up on mobile phones and get free drugs for saying this on phone lines,the drug addict gets driving licences sent to their flats and exchanges them for more heroin the cops work for the bent solicitors who protect the driving licence holder from being prosecuted who gets i can write a book on this subject however any 2 bit cop or junkie can tell you how middle class nazis in london get all there credit card bills waved through , all the false credit cards the police and banks are telling us aboat each year account for a percentage of priviledge gained credit cards involving drug users morgage defaulters and bent cops end of story full stop period.The fascists at the top white wash credit crime over a number of years with politicians signing secret service contracts so nobody gets found, whilst cash back mike the heist from tesco inc. all change their names again and all go for a nice long walk.

once your on a list you cant function properly as a person just ask any former kgb ajent or eastern european police officer from the 1990s it is against human rights law and fascistic to keep people on lists and believe meit is a well known technique used by certain police and mi5/cia operatives who have used both succesfully and (un)succesfully for many years

I have researched the internet in crime sites and political sites and nowhere can i find articles by people explaining MI5 and mafia lists,remember you can only carry on for so long before MI5 find out aboat it or themselves are a part of it simply explained you cant be a continual suspect to a crime without the police ruling you out so again its evidence of people being held continously on lists in order to maintain a structure based around fascism and crime in order to maintain priviledge and gain capital from it, if your getting stopped and searched alll the time by the police your on a list full stop period.

so why the silence why doesnt anybody acknowledge lists held in the uk? good question id be very suprised if a single politician or solicitor bothers to reply to this article by adding a reply

My name is David Dundale I do not in any way support any form of terrorism against Israel United states or Britain support peace in Ireland and want peace between muslims and Jews and DO NOT TOLERATE RACISM OR FASCISM, I condem certain former MI5 operatives for working with fascists in Europe and maintining lists that formed the base of muslim terrorism and allowing records held by the Government of Britain to be used by drug cartels and middle class nazis in uk and Ireland to financially gain through privelege.Thanx to spud for allowing me to use his web site I am not a member of SPGB and afford the public to condem movements that promote fascism as i have.

Top

Sat, 25/01/2014 - 7:56am #4

ALB
Offline
Joined:
22/06/2011

> ***spud* wrote:**
>
> Politics is quite simple really the people with the guns maintain it,

I'm afraid it is not that simple. While capitalist control of production rests ultimately on their control of political power (and its guns), it is also, sadly, the case that capitalist society is mainly kept going by the pro-capitalist ideas most people hold. As the anarcho-communist Alexander Berkman put it:

> **Quote:**
>
> Our social institutions are founded on certain ideas; as long as the latter are generally believed, the institutions built on them are safe. Government remains strong because people think political authority and legal compulsion necessary. Capitalism will continue as long as such an economic system is considered adequate and just.

This means that the most subversive of capitalism activity that socialists can engage in is undermining these ideas by constant criticism of them. Which is what we in the Socialist Party are doing. When a sufficient number have rejected capitalist ideas then capitalism's days are numbered, even if they do initially still have guns but a socialist majority can take these away from them by winning control of political power itself.

You are right that under capitalism democracy is distorted by all sorts of things, including the secret services and their activities. I'm not sure that "fascism" is the right word to describe this. A better term would be "authoritarianism" or something like that. After all, these practices existed before historical fascism. In fact the word "fascism" should probably be confined to the inter-war period in Central and Southern Europe.

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Sat, 25/01/2014 - 12:39pm #5

spud
Offline
Joined:
24/01/2014

ALB-

Top

Sat, 25/01/2014 - 2:52pm #6

spud
Offline
Joined:

ALB WROTE- I embrace your intellectualism and thank you most genuinely for your input into this web page,your the first to save my sanity ! I completly agree the subject that you have engaged with is itself a complete subject within a hastily compiled

24/01/2014	article that deserves further political debate, the article you refer to is itself sketchy and has been produced not for my own self pity or want of political recognition however an absolute necessity, the very subject itself for example of "privilege" within this article is what I would gracefully ask you to address. It is so painfull within my mind watching even the working class itself falling into this abyss.I perceive upper working class, lower working class,middle working class now becoming an issue within the very proletariat itself and how it is structured.I recently read an article written by none other than Gerry Adams TD Sinn Fein in the Metro daily free newspaper,im not hear to promote or endorse in any way this man however the observation I made within his article was a strong reference to "priviledge".I believe this is a good statrting point as an example of a politicians different perceptions in politics over what "priviledge" is within politics itself , Mr Adams refernces were to the abolishment of Seanad (part of the Irish Government). I would like to clearly state that his paper An Phoblacht has had more than enough time to expose the upper middle class bourgeois Nazi reclaiming land and running private armies within the Republic of Ireland and yet sadly there remains a complete void upon this subject or at least very little that surfaces within the internet issued by his party.I would like to remind the readers of this sub article that parts of The Republic of Ireland is modelling itself upon Serbian and Croatian inbred fascism based on the "privilege" system held by an increasing percentage of far right farmers land and building owners who are continually waging a war to keep the working class off the national land a clandestine war not to my knowledge mentioned by or even recognised by An Phoblact and that this secret war has remarkable similarities between travellers in the uk and how they have been spied upon and kept on lists.Priviledge in uk society is a sinister and ever growing cancer and like fascism needs a victim most people gain from others loss,Librarians,bus drivers,post office workers are quite often used to keep people on lists and often work with mafia and secret service ajents in creating "priviledge" the real culprits are the far right type of home office workers who get extra perks and alleged private buisnessmen in society getting presents.The list is endless however without this form of system there wouldnt be lists.the sicialian mafia.the stasi,the mob in New York all keep lists and all connected to Politicians and Paramilitary groups even football violence and gangs in London are all controlled by insiders and fascists and keep lists of rivals and enemies.Without priviledge British Government wouldnt function .The Monarchy itself is the most rancid form of structured priviledge that you can percieve within a country.Finally the BBC last year exposed the British Military investigating Heroin found on ther own planes flying from Afghanastan,the prison service provided free Heroin to inmates in Tony Blairs leadership in exchange for helping the prison officers to write prison reports that were later on published on their own prison computer systems and then in turn napstered extrnally by police and mi5.Basically heroin was used by the British state and still is to rewrite political history,the type of dirty trix reports created or generated like this account for creating lists of men who could account for intelligence,suspected un solved crimes,suspected quantities of hidden or none recovered money and items suspected identy firearms political persuasion once again thanx to SPUD and David Dundale former Bullingdon for this info

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Sat, 25/01/2014 - 3:05pm #7

Brian Offline Joined: 08/11/2011	And what exactly is it you are trying to tell us? Yours For Positive Socialist Activity Brian

Top

Sat, 25/01/2014 - 4:07pm #8

raj Online Joined: 25/01/2014	BRIAN WROTE

Top

Sat, 25/01/2014 - 4:08pm #9

raj Online Joined: 25/01/2014	Black mass and terror inc good books on lists

Top

Sat, 25/01/2014 - 4:04pm #10

raj Online Joined: 25/01/2014	There is a large amounbt of evidence held by the ISI in Pakistan itself of Tony Blairs Government being involved in the illegal importation of a quantity of drugs.I can confirm that AL-QAEDA kept its own secret lists of its own soldiers.I believe that in Britain they have similar sytems that are against Human rights law I hope this answers your question Brian

Top

Sat, 25/01/2014 - 7:24pm #11

jondwhite
Offline
Joined: 19/12/2011

I know British intelligence keep lists on as many people as they can, that's their main job. If there's evidence British Intelligence such as MI5 co-operate with the Mafia in the heroin trade, then so what? Are we supposed to be surprised British intelligence doesn't have our best interests at heart?

Incidentally blacklisting has been covered even in the mainstream media as recently as a couple of months ago

http://www.theguardian.com/business/2013/oct/12/police-blacklist-construction-workers-watchdog

http://www.theguardian.com/commentisfree/2013/aug/20/blacklisting-activists-human-rights-inquiry

I don't understand why terrorism against countries such as Israel, United states or Britain in particular is highlighted as something you don't support.

My problem with common internet narratives such as these are that either

- they limit us to an honest transparent capitalism as the best human nature can achieve (Black Mass by John Gray, Terror Inc. by Loretta Napoleoni, David Dundale's one internet comment I found from Googling him)
- they fundamentally disempower workers by asserting they are powerless, whereas I think it can be demonstrated that the working-class can emancipate themselves and there are particular ways to do it.

I'm not saying parapolitical activities don't happen but they aren't all-powerful and pulling the strings of everything. Nor should we take them on hearsay or suspend normal judgment of evidence.

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Theme by Dr. Radut.

MI5 and MAFIA lists

Fri, 24/01/2014 - 12:49pm #1

spud
Offline
Joined:
24/01/2014

MI5 and MAFIA lists

MI5 are very much aware of lists they keep them however there are persons who work for the British Government who are of a different political ideology we need security against terrorists however the class sysytem in uk is based on privalage british intelligence are aware of heroin being taken into prisons so that prisoners and staff altered mi5 records by altering computer systems David Dundale has evidence of this and more of the mafia and military working together in uk add your comments here

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- General discussion

Fri, 24/01/2014 - 3:51pm #2

spud
Offline
Joined:
24/01/2014

what

Top

Fri, 24/01/2014 - 4:42pm #3

spud
Offline
Joined:
24/01/2014

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Top

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Online
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Water cannon by alanjjohnstone on 31/01/2014 - 12:00pm		36	by alanjjohnstone 31/01/2014 - 12:00pm
Karl Marx in London: Owen Jones on Marxism *(Page: 1, 2, 3 … Last Page)* by Vin Maratty on 01/11/2013 - 8:27pm	81	1,865	by ALB 31/01/2014 - 6:46am
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A Xmas Message *(Page: 1, 2, 3 … Last Page)* by Vin Maratty on 25/12/2013 - 10:39am	87	1,455	by steve colborn 31/01/2014 - 2:02am
Fisk on good form again by alanjjohnstone on 31/01/2014 - 12:20am		22	by alanjjohnstone 31/01/2014 - 12:20am
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Financialised capitalism by alanjjohnstone on 27/01/2014 - 2:04am	1	51	by ALB 27/01/2014 - 9:48am
Government launches "Immigrants, go home" campaign *(Page: 1, 2, 3 … Last Page)* by ALB on 24/07/2013 - 11:07am	230	6,128	by alanjjohnstone 27/01/2014 - 12:55am
Neo-Nazis on the block? by gnome on 26/01/2014 - 1:49pm	3	88	by Vin Maratty 26/01/2014 -

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15 May 2017 - Journalist Peter Taylor (on left) and former **MI6** officer Michael Oatley were among the mourners at Brendan Duddy s Requiem Mass. ... Presbyterian Church, and Dr. William Morton, former Dean of St Columb's Cathedral and now Dean of St Patrick's Cathedral in **Dublin**, also took part in yesterday's Mass.

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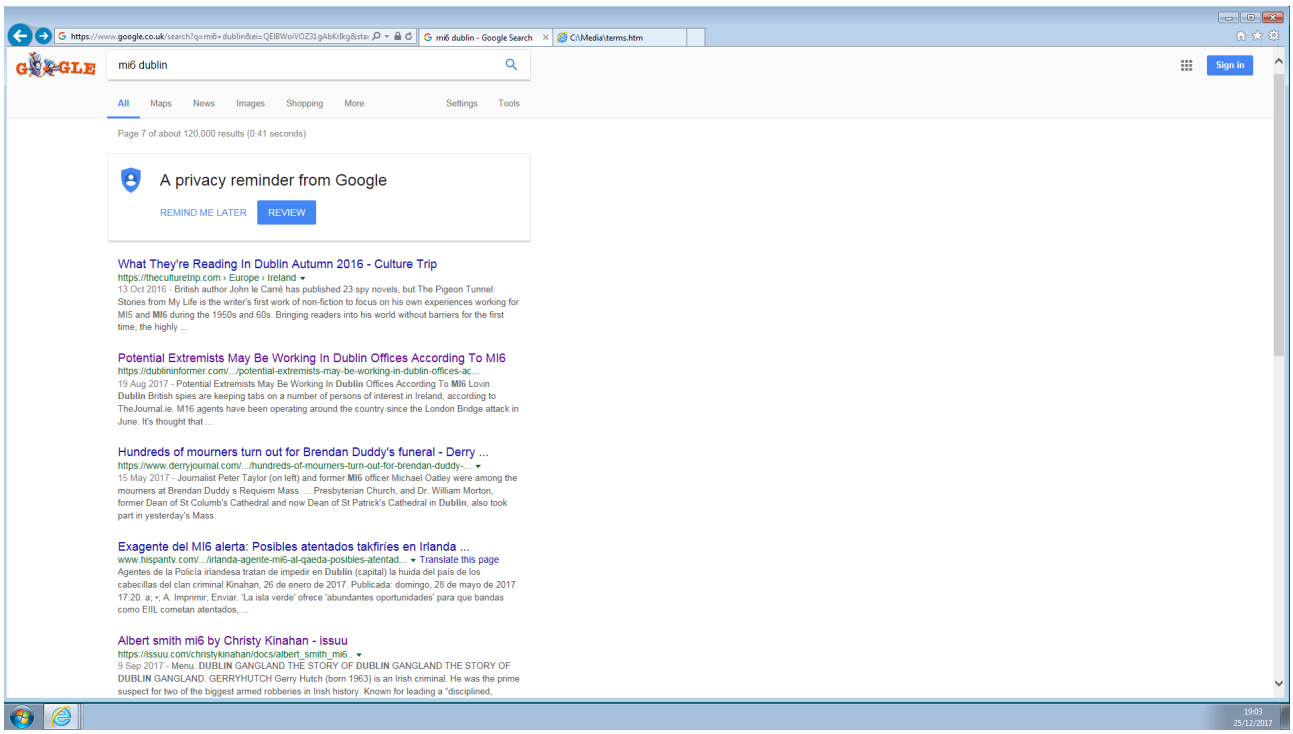
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Agentes de la Policía irlandesa tratan de impedir en **Dublín** (capital) la huida del país de los cabecillas del clan criminal Kinahan, 26 de enero de 2017. Publicada: domingo, 28 de mayo de 2017 17:20. a; •; A. Imprimir; Enviar. 'La isla verde' ofrece 'abundantes oportunidades' para que bandas como EIIL cometan atentados, ...

Albert smith mi6 by Christy Kinahan - issuu

https://issuu.com/christykinahan/docs/albert_smith_mi6..

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1903
25/12/2017



MI5 and MI6 'join Dublin police in probing gangland shootings' following David Byrne's funeral

The top spy agencies in Britain have joined authorities in the Republic of Ireland to crack down on the out-of-control gangland warfare

By Nick Sommerlad & Jilly Beattie

07:00, 16 FEB 2016 | UPDATED 07:02, 16 FEB 2016

NEWS



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The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Information security (Principle 7)

What needs to be protected by information security arrangements?

It is important to understand that the requirements of the Data Protection Act go beyond the way information is stored or transmitted. The seventh data protection principle relates to the security of every aspect of your processing of personal data.

So the security measures you put in place should seek to ensure that:

- only authorised people can access, **alter,** disclose or destroy personal data;
- those people only act within the scope of their authority; and
- if personal data is accidentally lost, altered or destroyed, it can be recovered to prevent any damage or distress to the individuals concerned.

What level of security is required?

The Act says you should have security that is appropriate to:

- the nature of the information in question; and
- the harm that might result from its improper use, or from its accidental loss or destruction.

Former police officer Andrew Dedman (mi5) is known to the :
Information Compliance Office
Hertfordshire Constabulary
Police Headquarters
Stanborough Road
Welwyn Garden City
Hertfordshire
AL8 6XF
Or telephone: **01707 354 177**
Or fax: 01438 757 419
Or send an email to: informationservices@herts.pnn.police.uk

Whilst serving within the British Police Force Andrew Dedman **"altered"** Police National Computer information, ICO regulations state that only persons with authorisation can alter PNC information.



BRITISH SPIES TO CONTINUE MASS SURVEILLANCE OPERATIONS IN IRELAND AND ELSEWHERE

August 21, 2016
Current Affairs, History, Internet, Irish Republican, Military, Politics, Technology
6 comments

The United Kingdom's state intelligence agencies have been given the green light to continue their mass spying operations around the world following an independent review into the UK's extraordinarily invasive bulk surveillance laws. Compiled by David Anderson QC, a senior lawyer and Britain's official "*Independent Reviewer of Terrorism Legislation*", the two hundred page report was commissioned by Theresa May, before she became the British prime minister. In effect the review agrees that the UK's spooks can snoop where they want, when they want, with minimal restrictions or oversight. In the alarming words of Joanna Cherry, an MP with the Scottish National Party (SNP), Britain has now gone "*...further than any other Western democracy*" in the mass surveillance of its citizens and those of neighbouring countries. The Register, a leading tech-website, has a lengthy article on the newly published document, "Report of the Bulk Powers Review", and the near free pass it gives to the activities of Britain's Government Communications Headquarters (GCHQ), the Security Service (SS – MI5) and the Secret Intelligence Service (SIS – MI6). It's essential reading for those interested in such matters, as indeed is the full report itself.

Of Irish interest are the case studies involving MI5, an organisation which played a sinister role in the 1966-2005 conflict in the north-east of Ireland. It's local branch continues to operate in Palace Barracks, a sprawling British Army base in County Down that also functioned as a torture-centre during the 1970s.

> *"6.13. All the case studies relating to the use of bulk acquisition were provided by MI5, although in A8/1 GCHQ provided an example of the combined use of bulk interception and communications data. The case studies concerned principally Islamist extremist activity in the UK and abroad, and dissident republican activity in Northern Ireland.*
>
> *• Northern Ireland Related Terrorism: Dissident Republican (DR) groupings continue to conduct attacks designed to kill members of the security forces including police and prison officers. In 2015 there were 16 DR attacks, and in 2016 Prison Officer Adrian Ismay died as a result of such an attack. Bulk capabilities are essential to understanding the plans of resilient, experienced terrorists and stopping their attacks"*

That last claim is highly debatable given the apparent amateurism shown in the examples below, all involving individuals allegedly participating in the would-be Republican Resistance in the UK-occupied Six Counties (and in some contrast to those who came before).

> ***Case study A9/17***
> ***MI5***
> ***Action***
> ***Counter-terrorism***
> *Bulk acquisition data was used in a recent operation to identify phones linked to a dissident republican attack in Northern Ireland. The information obtained, combined with other sources, led to the arrest and charge of an individual on terrorist offences. The telephones were not previously known to MI5. The Review team was given information which indicated that it would have taken more time and been considerably more resource intensive to discover the telephones without bulk acquisition data.*
>
> ***Case study A9/23***
> ***MI5***
> ***Action***
> ***Counter-terrorism***
> *Bulk acquisition data was used in 2014 to identify the mobile phone being used by a dissident Irish republican. The phone was then intercepted, and police were able to arrest the individual while he was committing a terrorism-related offence but before any harm had been caused. He was then prosecuted for a number of terrorism-related offences.*
>
> *MI5 told the Review team that it would have been possible to identify the mobile phone without the use of bulk acquisition data. However, the alternative method would have involved significant collateral intrusion in the form of gathering information about many telephones, all but one of*

them of no intelligence interest. This method would also have taken longer, and so carried the risk that the correct phone might not have been identified in time to prevent an attack.

Case study A9/24
MI5
Action
Counter-terrorism
In 2014 bulk acquisition data were used by MI5 to identify telephones being used by dissident Irish republicans who were planning attacks. The phones were then
intercepted. The knowledge gained from this operation informed the joint MI5 and PSNI investigative strategy. An individual was subsequently arrested and charged with terrorist and other offences.

Case study A9/25
MI5
Action
Counter-terrorism
Summarised in the Operational Case
In this 2013 case, bulk acquisition data was used to foil an attack by Irish dissident
republicans. It was suspected that members of the group had already obtained
explosives and that their activities were increasing (a common sign of an attack being imminent). However, MI5 did not know the date of any proposed attack and the group's security awareness made it difficult to obtain further information.

The use of bulk acquisition data identified telephones being used by the group, and
further enabled MI5 to identify previously unknown members of the group. MI5 was able to increase its coverage of this expanded group. As a result it became aware of a sudden further increase in activity from analysis of the group's communications activity and MI5 judged that an attack was imminent. Police intervened and recovered an improvised explosive device. A prosecution followed.

The Review team was given details which indicated that, without bulk acquisition data, the telephones would not have been identified.

Of course many ordinary people in Ireland, who have no part in politics (or insurgency), will simply shrug their shoulders at the above news and move on to the next item of interest. However, to do so is to voluntarily submit to a system of mass surveillance by a hostile foreign power, an Orwellian situation that I pointed out as long ago as 2014:

Since the late 1980s the British intelligence services have expanded from a programme of targeted spying on certain individuals and organisations to a strategy of observing and where necessary recording all electronic information relating to telephone calls, faxes, text messages, emails and general internet activities on or from this island nation. In large part that change in tactics was due to the growth and importance of the internet and the increasing personalisation of computing technologies. However it also reflected the simple fact that if the institutions of a state believe they can do something that will serve the interests of their state they will probably do so, however questionable it may be.

Of course on a more practical level online and remote surveillance was expected to reduce employee numbers and budgets for intelligence-gathering organisations, as well as the obvious risks encountered in the deployment of field agents. For hefty initial investments long-term savings were expected from the new model of "spying by accountants" championed by the NSA and others…

…this is not just a case of the British intelligence services secretly "tapping into" Irish telephonic and internet traffic via land and maritime cables. Rather in most cases they are being provided free (or commercial) access to the information by companies associated with the use, ownership or maintenance of these cables. And it is all information, every email you send, every message, every internet search or visit, every upload or download, albeit collated and filtered through layers of software programmes before being flagged up for human review (if required).

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6 COMMENTS

the Phoenix says:
August 21, 2016 at 07:41
4 0 Rate This

Hi Palace Barracks. Go fuck yourselves. Bye.

An Sionnach Fionn says:
August 22, 2016 at 07:48
1 0 Rate This

If they're reading this they must be looking for something to do!

the Phoenix says:
August 24, 2016 at 04:51
0 0 Rate This

I used to be on a site that was infested with the filth. i always used to like to say hello to the c*^ts.lol

An Sionnach Fionn says:
August 24, 2016 at 14:02
0 0 Rate This

There's probably a few places they monitor, the obvious message boards, but really its all automated programs and semantic trawling. ASF might be on a list but it's very, very low down.

Seán McGouran says:
August 22, 2016 at 14:30
2 0 Rate This

All this exhibitionist hardware is useless. British Intelligence (an oxymoron if ever there was one) relies on violence. My introduction to Palace Barracks consistted of being kicked about a big room. "Kicked about" there is not metaphore, being fed drugs ('uppers' apparently) and denied use of the toilet, fortunately I didn't humiliate myself, there was alsothe rattking of rifle bolts and pretend execution.



Graham Ennis says:
May 21, 2017 at 10:18
0 0 Rate This

Sean, Thank You for speaking out and reminding everyone of just what the war against the Irish involved. People forget, or want to forget, or simply refuse to accept simple truths, about what happened. it needs to be forcibly reminded into the Brains of those who refuse to accept what happened, refuse to accept that the Irish People have a right of resistance, against oppression, or simply were supremely selfish and cowardly. The problem now though, is even far more complicated and dangerous than in your time, and the politics likewise. Nothing would give the British establishment more pleasure than to use the intelligence system, not only to spy, seeking enemies, or potential enemies, everywhere in Ireland, but to provoke, to destabilise legitimate political activity, and to twist the political situation in the North to their own advantage and hegemony. Their permanent objective is to undermine the Nationalist community in every way, to destabilise any group that is politically opposed to the Unionist micro-state, so as to preserve the status quo. This is why there is the obsessive spying on everyone and everything in Ireland. For the British "Deep State", everything Irish is a zero-Sum game. The only way to counter this is to get to the root of the problem, in the North. That is to stop playing the Game, by taking part in the Peace Agreement and the Tin-Pot Banana republic Assembly and Government, and total opposition to it. The only thing that is going to change things is to de-legitimise the present Northern Ireland "Goverment", refuse to take part, and use BREXIT as the main weapon, to force reunification by making the North ungovernable, unmanageable, and un-affordable. Such a strategy will bring violence, but not from the Irish Side. It will result in the UK state lashing out, and inflicting violence, disruption, and repression, on those who oppose it. We are then in a "West bank" situation. As the Palestinians discovered, the limited peace agreement and self-government simply ended up as a proxy police force for the Israeli's. The policy of non-participation, de-legitimisation, and isolation, of London Rule, simply swamps any attempts to co-opt Irish People in their own oppression. The UK intelligence services can then spy all they want, but it will get them nowhere. The levers of power and influence via the present system in the North, would have been wrecked. It does not need any violence, from the irish side. Indeed, that is exactly what the British "Deep State" is looking and hoping for, as it would freeze a situation much to their advantage, for another 30 years. Once again Sean, thanks for speaking up.

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Inquiry Exposes Three More Spycops

AUG 2017 | Saturday 5TH

posted by Steve Sweeney in Britain

Probe chairman says more identities will be revealed

THREE more spycops' identities were exposed yesterday by the public inquiry into undercover police operations.

The inquiry is investigating the behaviour of police officers who infiltrated left-wing political groups over a 40-year period.

It is the first time that the inquiry, chaired by Sir John Mitting, has revealed the names used by officers who were working on undercover spy missions.

Those who have previously been uncovered as spies were unmasked by campaigners who became suspicious of their activities.

Last month it was revealed that 250 police officers spied on over 1,000 campaign organisations since the late 1960s.

These included trade unions, environmental campaigns, anti-racist groups, peace activists and even the grieving parents of murder victims.

One of the spies exposed yesterday went by the name of "Rick Gibson" who infiltrated the left-wing organisation Big Flame and played a leading role in the Troops Out Movement, which opposed Britain's campaign in the north of Ireland.

He was active between 1974 and 1976 before his cover was almost blown after activists found a death certificate that appeared to show he had died as a young child.

The undercover police spy — who has since died — told the group that he used the fake identity to evade police capture.

However the spycop operation regularly used the birth certificates of dead children to obtain official documents including passports and other forms of identification for undercover police officers.

Another of the spies went by the name "Doug Edwards" who infiltrated a number of groups including the Independent Labour Party. To his comrades, he was working as a long-distance lorry driver.

He told the inquiry: "Some of the people in these groups were really nice, pleasant, intelligent people. They were different politically in their views, but in this country you can have different political views."

The third spy used the moniker "John Graham" and targeted anti-war groups in the late 1960s.

He was active in west London branches of the Vietnam Solidarity Campaign, a group that organised large demonstrations in London including the protest at the US embassy in Grosvenor Square.

The inquiry has been held up as police attempt to block the release of names of undercover officers.

Inquiry chair Mr Mitting said he will announce the names of a further three spycops who have died along with those of seven officers who helped with the operations “in due course.”

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DIRECTIVE (EU) 2016/680 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 April 2016

on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Committee of the Regions (1),

Acting in accordance with the ordinary legislative procedure (2),

Whereas:

(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union ('the Charter') and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

(2) The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Directive is intended to contribute to the accomplishment of an area of freedom, security and justice.

(3) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of the collection and sharing of personal data has increased significantly. Technology allows personal data to be processed on an unprecedented scale in order to pursue activities such as the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

(4) The free flow of personal data between competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security within the Union and the transfer of such personal data to third countries and international organisations, should be facilitated while ensuring a high level of protection of personal data. Those developments require the building of a strong and more coherent framework for the protection of personal data in the Union, backed by strong enforcement.

(5) Directive 95/46/EC of the European Parliament and of the Council (3) applies to all

processing of personal data in Member States in both the public and the private sectors. However, it does not apply to the processing of personal data in the course of an activity which falls outside the scope of Community law, such as activities in the areas of judicial cooperation in criminal matters and police cooperation.

(6) Council Framework Decision 2008/977/JHA (4) applies in the areas of judicial cooperation in criminal matters and police cooperation. The scope of application of that Framework Decision is limited to the processing of personal data transmitted or made available between Member States.

(7) Ensuring a consistent and high level of protection of the personal data of natural persons and facilitating the exchange of personal data between competent authorities of Members States is crucial in order to ensure effective judicial cooperation in criminal matters and police cooperation. To that end, the level of protection of the rights and freedoms of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, should be equivalent in all Member States. Effective protection of personal data throughout the Union requires the strengthening of the rights of data subjects and of the obligations of those who process personal data, as well as equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data in the Member States.

(8) Article 16(2) TFEU mandates the European Parliament and the Council to lay down the rules relating to the protection of natural person s with regard to the processing of personal data and the rules relating to the free movement of personal data.

(9) On that basis, Regulation (EU) 2016/679 of the European Parliament and of the Council (5) lays down general rules to protect natural persons in relation to the processing of personal data and to ensure the free movement of personal data within the Union.

(10) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU may prove necessary because of the specific nature of those fields.

(11) It is therefore appropriate for those fields to be addressed by a directive that lays down the specific rules relating to the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, respecting the specific nature of those activities. Such competent authorities may include not only public authorities such as the judicial authorities, the police or other law-enforcement authorities but also any other body or entity entrusted by Member State law to exercise public authority and public powers for the purposes of this Directive. Where such a body or entity processes personal data for purposes other than for the purposes of this

Directive, Regulation (EU) 2016/679 applies. Regulation (EU) 2016/679 therefore applies in cases where a body or entity collects personal data for other purposes and further processes those personal data in order to comply with a legal obligation to which it is subject. For example, for the purposes of investigation detection or prosecution of criminal offences financial institutions retain certain personal data which are processed by them, and provide those personal data only to the competent national authorities in specific cases and in accordance with Member State law. A body or entity which processes personal data on behalf of such authorities within the scope of this Directive should be bound by a contract or other legal act and by the provisions applicable to processors pursuant to this Directive, while the application of Regulation (EU) 2016/679 remains unaffected for the processing of personal data by the processor outside the scope of this Directive.

(12) The activities carried out by the police or other law-enforcement authorities are focused mainly on the prevention, investigation, detection or prosecution of criminal offences, including police activities without prior knowledge if an incident is a criminal offence or not. Such activities can also include the exercise of authority by taking coercive measures such as police activities at demonstrations, major sporting events and riots. They also include maintaining law and order as a task conferred on the police or other law-enforcement authorities where necessary to safeguard against and prevent threats to public security and to fundamental interests of the society protected by law which may lead to a criminal offence. Member States may entrust competent authorities with other tasks which are not necessarily carried out for the purposes of the prevention, investigation, detection or prosecution of criminal offences, including the safeguarding against and the prevention of threats to public security, so that the processing of personal data for those other purposes, in so far as it is within the scope of Union law, falls within the scope of Regulation (EU) 2016/679.

(13) A criminal offence within the meaning of this Directive should be an autonomous concept of Union law as interpreted by the Court of Justice of the European Union (the ‘Court of Justice’).

(14) Since this Directive should not apply to the processing of personal data in the course of an activity which falls outside the scope of Union law, activities concerning national security, activities of agencies or units dealing with national security issues and the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 2 of Title V of the Treaty on European Union (TEU) should not be considered to be activities falling within the scope of this Directive.

(15) In order to ensure the same level of protection for natural persons through legally enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between competent authorities, this Directive should provide for harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. The approximation of Member States' laws should not result in any lessening of the personal data protection they afford but should, on the contrary, seek to ensure a high level of protection within the Union. Member States should not be precluded from providing higher safeguards than those

established in this Directive for the protection of the rights and freedoms of the data subject with regard to the processing of personal data by competent authorities.

(16) This Directive is without prejudice to the principle of public access to official documents. Under Regulation (EU) 2016/679 personal data in official documents held by a public authority or a public or private body for the performance of a task carried out in the public interest may be disclosed by that authority or body in accordance with Union or Member State law to which the public authority or body is subject in order to reconcile public access to official documents with the right to the protection of personal data.

(17) The protection afforded by this Directive should apply to natural persons, whatever their nationality or place of residence, in relation to the processing of their personal data.

(18) In order to prevent creating a serious risk of circumvention, the protection of natural persons should be technologically neutral and should not depend on the techniques used. The protection of natural persons should apply to the processing of personal data by automated means, as well as to manual processing, if the personal data are contained or are intended to be contained in a filing system. Files or sets of files, as well as their cover pages, which are not structured according to specific criteria should not fall within the scope of this Directive.

(19) Regulation (EC) No 45/2001 of the European Parliament and of the Council (6) applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal acts applicable to such processing of personal data should be adapted to the principles and rules established in Regulation (EU) 2016/679.

(20) This Directive does not preclude Member States from specifying processing operations and processing procedures in national rules on criminal procedures in relation to the processing of personal data by courts and other judicial authorities, in particular as regards personal data contained in a judicial decision or in records in relation to criminal proceedings.

(21) The principles of data protection should apply to any information concerning an identified or identifiable natural person. To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly. To ascertain whether means are reasonably likely to be used to identify the natural person, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration the available technology at the time of the processing and technological developments. The principles of data protection should therefore not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is no longer identifiable.

(22) Public authorities to which personal data are disclosed in accordance with a legal obligation for the exercise of their official mission, such as tax and customs

authorities, financial investigation units, independent administrative authorities, or financial market authorities responsible for the regulation and supervision of securities markets should not be regarded as recipients if they receive personal data which are necessary to carry out a particular inquiry in the general interest, in accordance with Union or Member State law. The requests for disclosure sent by the public authorities should always be in writing, reasoned and occasional and should not concern the entirety of a filing system or lead to the interconnection of filing systems. The processing of personal data by those public authorities should comply with the applicable data protection rules according to the purposes of the processing.

(23) Genetic data should be defined as personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or health of that natural person and which result from the analysis of a biological sample from the natural person in question, in particular chromosomal, deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) analysis, or from the analysis of another element enabling equivalent information to be obtained. Considering the complexity and sensitivity of genetic information, there is a great risk of misuse and re-use for various purposes by the controller. Any discrimination based on genetic features should in principle be prohibited.

(24) Personal data concerning health should include all data pertaining to the health status of a data subject which reveal information relating to the past, current or future physical or mental health status of the data subject. This includes information about the natural person collected in the course of the registration for, or the provision of, health care services as referred to in Directive 2011/24/EU of the European Parliament and of the Council (7) to that natural person; a number, symbol or particular assigned to a natural person to uniquely identify the natural person for health purposes; information derived from the testing or examination of a body part or bodily substance, including from genetic data and biological samples; and any information on, for example, a disease, disability, disease risk, medical history, clinical treatment or the physiological or biomedical state of the data subject independent of its source, for example from a physician or other health professional, a hospital, a medical device or an in vitro diagnostic test.

(25) All Member States are affiliated to the International Criminal Police Organisation (Interpol). To fulfil its mission, Interpol receives, stores and circulates personal data to assist competent authorities in preventing and combating international crime. It is therefore appropriate to strengthen cooperation between the Union and Interpol by promoting an efficient exchange of personal data whilst ensuring respect for fundamental rights and freedoms regarding the automatic processing of personal data. Where personal data are transferred from the Union to Interpol, and to countries which have delegated members to Interpol, this Directive, in particular the provisions on international transfers, should apply. This Directive should be without prejudice to the specific rules laid down in Council Common Position 2005/69/JHA (8) and Council Decision 2007/533/JHA (9).

(26) Any processing of personal data must be lawful, fair and transparent in relation to the natural persons concerned, and only processed for specific purposes laid down

by law. This does not in itself prevent the law-enforcement authorities from carrying out activities such as covert investigations or video surveillance. Such activities can be done for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, as long as they are laid down by law and constitute a necessary and proportionate measure in a democratic society with due regard for the legitimate interests of the natural person concerned. The data protection principle of fair processing is a distinct notion from the right to a fair trial as defined in Article 47 of the Charter and in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Natural persons should be made aware of risks, rules, safeguards and rights in relation to the processing of their personal data and how to exercise their rights in relation to the processing. In particular, the specific purposes for which the personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data. The personal data should be adequate and relevant for the purposes for which they are processed. It should, in particular, be ensured that the personal data collected are not excessive and not kept longer than is necessary for the purpose for which they are processed. Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. In order to ensure that the data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review. Member States should lay down appropriate safeguards for personal data stored for longer periods for archiving in the public interest, scientific, statistical or historical use.

(27) For the prevention, investigation and prosecution of criminal offences, it is necessary for competent authorities to process personal data collected in the context of the prevention, investigation, detection or prosecution of specific criminal offences beyond that context in order to develop an understanding of criminal activities and to make links between different criminal offences detected.

(28) In order to maintain security in relation to processing and to prevent processing in infringement of this Directive, personal data should be processed in a manner that ensures an appropriate level of security and confidentiality, including by preventing unauthorised access to or use of personal data and the equipment used for the processing, and that takes into account available state of the art and technology, the costs of implementation in relation to the risks and the nature of the personal data to be protected.

(29) Personal data should be collected for specified, explicit and legitimate purposes within the scope of this Directive and should not be processed for purposes incompatible with the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. If personal data are processed by the same or another controller for a purpose within the scope of this Directive other than that for which it has been collected, such processing should be permitted under the condition that such processing is authorised in accordance with applicable legal provisions and is necessary for and proportionate to that other purpose.

(30) The principle of accuracy of data should be applied while taking account of the

nature and purpose of the processing concerned. In particular in judicial proceedings, statements containing personal data are based on the subjective perception of natural persons and are not always verifiable. Consequently, the requirement of accuracy should not appertain to the accuracy of a statement but merely to the fact that a specific statement has been made.

(31) It is inherent to the processing of personal data in the areas of judicial cooperation in criminal matters and police cooperation that personal data relating to different categories of data subjects are processed. Therefore, a clear distinction should, where applicable and as far as possible, be made between personal data of different categories of data subjects such as: suspects; persons convicted of a criminal offence; victims and other parties, such as witnesses; persons possessing relevant information or contacts; and associates of suspects and convicted criminals. This should not prevent the application of the right of presumption of innocence as guaranteed by the Charter and by the ECHR, as interpreted in the case-law of the Court of Justice and by the European Court of Human Rights respectively.

(32) The competent authorities should ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. In order to ensure the protection of natural persons, the accuracy, completeness or the extent to which the personal data are up to date and the reliability of the personal data transmitted or made available, the competent authorities should, as far as possible, add necessary information in all transmissions of personal data.

(33) Where this Directive refers to Member State law, a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant to the constitutional order of the Member State concerned. However, such a Member State law, legal basis or legislative measure should be clear and precise and its application foreseeable for those subject to it, as required by the case-law of the Court of Justice and the European Court of Human Rights. Member State law regulating the processing of personal data within the scope of this Directive should specify at least the objectives, the personal data to be processed, the purposes of the processing and procedures for preserving the integrity and confidentiality of personal data and procedures for its destruction, thus providing sufficient guarantees against the risk of abuse and arbitrariness.

(34) The processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, should cover any operation or set of operations which are performed upon personal data or sets of personal data for those purposes, whether by automated means or otherwise, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, alignment or combination, restriction of processing, erasure or destruction. In particular, the rules of this Directive should apply to the transmission of personal data for the purposes of this Directive to a recipient not subject to this Directive. Such a recipient should encompass a natural or legal person, public authority, agency or any other body to which personal data are lawfully disclosed by the competent authority. Where personal data were initially collected by a competent authority for one of the purposes of this Directive,

Regulation (EU) 2016/679 should apply to the processing of those data for purposes other than the purposes of this Directive where such processing is authorised by Union or Member State law. In particular, the rules of Regulation (EU) 2016/679 should apply to the transmission of personal data for purposes outside the scope of this Directive. For the processing of personal data by a recipient that is not a competent authority or that is not acting as such within the meaning of this Directive and to which personal data are lawfully disclosed by a competent authority, Regulation (EU) 2016/679 should apply. While implementing this Directive, Member States should also be able to further specify the application of the rules of Regulation (EU) 2016/679, subject to the conditions set out therein.

(35) In order to be lawful, the processing of personal data under this Directive should be necessary for the performance of a task carried out in the public interest by a competent authority based on Union or Member State law for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Those activities should cover the protection of vital interests of the data subject. The performance of the tasks of preventing, investigating, detecting or prosecuting criminal offences institutionally conferred by law to the competent authorities allows them to require or order natural persons to comply with requests made. In such a case, the consent of the data subject, as defined in Regulation (EU) 2016/679, should not provide a legal ground for processing personal data by competent authorities. Where the data subject is required to comply with a legal obligation, the data subject has no genuine and free choice, so that the reaction of the data subject could not be considered to be a freely given indication of his or her wishes. This should not preclude Member States from providing, by law, that the data subject may agree to the processing of his or her personal data for the purposes of this Directive, such as DNA tests in criminal investigations or the monitoring of his or her location with electronic tags for the execution of criminal penalties.

(36) Member States should provide that where Union or Member State law applicable to the transmitting competent authority provides for specific conditions applicable in specific circumstances to the processing of personal data, such as the use of handling codes, the transmitting competent authority should inform the recipient of such personal data of those conditions and the requirement to respect them. Such conditions could, for example, include a prohibition against transmitting the personal data further to others, or using them for purposes other than those for which they were transmitted to the recipient, or informing the data subject in the case of a limitation of the right of information without the prior approval of the transmitting competent authority. Those obligations should also apply to transfers by the transmitting competent authority to recipients in third countries or international organisations. Member States should ensure that the transmitting competent authority does not apply such conditions to recipients in other Member States or to agencies, offices and bodies established pursuant to Chapters 4 and 5 of Title V of the TFEU other than those applicable to similar data transmissions within the Member State of that competent authority.

(37) Personal data which are, by their nature, particularly sensitive in relation to fundamental rights and freedoms merit specific protection as the context of their processing could create significant risks to the fundamental rights and freedoms.

Those personal data should include personal data revealing racial or ethnic origin, whereby the use of the term ‘racial origin’ in this Directive does not imply an acceptance by the Union of theories which attempt to determine the existence of separate human races. Such personal data should not be processed, unless processing is subject to appropriate safeguards for the rights and freedoms of the data subject laid down by law and is allowed in cases authorised by law; where not already authorised by such a law, the processing is necessary to protect the vital interests of the data subject or of another person; or the processing relates to data which are manifestly made public by the data subject. Appropriate safeguards for the rights and freedoms of the data subject could include the possibility to collect those data only in connection with other data on the natural person concerned, the possibility to secure the data collected adequately, stricter rules on the access of staff of the competent authority to the data and the prohibition of transmission of those data. The processing of such data should also be allowed by law where the data subject has explicitly agreed to the processing that is particularly intrusive to him or her. However, the consent of the data subject should not provide in itself a legal ground for processing such sensitive personal data by competent authorities.

(38) The data subject should have the right not to be subject to a decision evaluating personal aspects relating to him or her which is based solely on automated processing and which produces adverse legal effects concerning, or significantly affects, him or her. In any case, such processing should be subject to suitable safeguards, including the provision of specific information to the data subject and the right to obtain human intervention, in particular to express his or her point of view, to obtain an explanation of the decision reached after such assessment or to challenge the decision. Profiling that results in discrimination against natural persons on the basis of personal data which are by their nature particularly sensitive in relation to fundamental rights and freedoms should be prohibited under the conditions laid down in Articles 21 and 52 of the Charter.

(39) In order to enable him or her to exercise his or her rights, any information to the data subject should be easily accessible, including on the website of the controller, and easy to understand, using clear and plain language. Such information should be adapted to the needs of vulnerable persons such as children.

(40) Modalities should be provided for facilitating the exercise of the data subject's rights under the provisions adopted pursuant to this Directive, including mechanisms to request and, if applicable, obtain, free of charge, in particular, access to and rectification or erasure of personal data and restriction of processing. The controller should be obliged to respond to requests of the data subject without undue delay, unless the controller applies limitations to data subject rights in accordance with this Directive. Moreover, if requests are manifestly unfounded or excessive, such as where the data subject unreasonably and repetitiously requests information or where the data subject abuses his or her right to receive information, for example, by providing false or misleading information when making the request, the controller should be able to charge a reasonable fee or refuse to act on the request.

(41) Where the controller requests the provision of additional information necessary to confirm the identity of the data subject, that information should be processed

only for that specific purpose and should not be stored for longer than needed for that purpose.

(42) At least the following information should be made available to the data subject: the identity of the controller, the existence of the processing operation, the purposes of the processing, the right to lodge a complaint and the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing. This could take place on the website of the competent authority. In addition, in specific cases and in order to enable the exercise of his or her rights, the data subject should be informed of the legal basis for the processing and of how long the data will be stored, in so far as such further information is necessary, taking into account the specific circumstances in which the data are processed, to guarantee fair processing in respect of the data subject.

(43) A natural person should have the right of access to data which has been collected concerning him or her, and to exercise this right easily and at reasonable intervals, in order to be aware of and verify the lawfulness of the processing. Every data subject should therefore have the right to know, and obtain communications about, the purposes for which the data are processed, the period during which the data are processed and the recipients of the data, including those in third countries. Where such communications include information as to the origin of the personal data, the information should not reveal the identity of natural persons, in particular confidential sources. For that right to be complied with, it is sufficient that the data subject be in possession of a full summary of those data in an intelligible form, that is to say a form which allows that data subject to become aware of those data and to verify that they are accurate and processed in accordance with this Directive, so that it is possible for him or her to exercise the rights conferred on him or her by this Directive. Such a summary could be provided in the form of a copy of the personal data undergoing processing.

(44) Member States should be able to adopt legislative measures delaying, restricting or omitting the information to data subjects or restricting, wholly or partly, the access to their personal data to the extent that and as long as such a measure constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, to avoid obstructing official or legal inquiries, investigations or procedures, to avoid prejudicing the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, to protect public security or national security, or to protect the rights and freedoms of others. The controller should assess, by way of a concrete and individual examination of each case, whether the right of access should be partially or completely restricted.

(45) Any refusal or restriction of access should in principle be set out in writing to the data subject and include the factual or legal reasons on which the decision is based.

(46) Any restriction of the rights of the data subject must comply with the Charter and with the ECHR, as interpreted in the case-law of the Court of Justice and by the European Court of Human Rights respectively, and in particular respect the

essence of those rights and freedoms.

(47) A natural person should have the right to have inaccurate personal data concerning him or her rectified, in particular where it relates to facts, and the right to erasure where the processing of such data infringes this Directive. However, the right to rectification should not affect, for example, the content of a witness testimony. A natural person should also have the right to restriction of processing where he or she contests the accuracy of personal data and its accuracy or inaccuracy cannot be ascertained or where the personal data have to be maintained for purpose of evidence. In particular, instead of erasing personal data, processing should be restricted if in a specific case there are reasonable grounds to believe that erasure could affect the legitimate interests of the data subject. In such a case, restricted data should be processed only for the purpose which prevented their erasure. Methods to restrict the processing of personal data could include, inter alia, moving the selected data to another processing system, for example for archiving purposes, or making the selected data unavailable. In automated filing systems the restriction of processing should in principle be ensured by technical means. The fact that the processing of personal data is restricted should be indicated in the system in such a manner that it is clear that the processing of the personal data is restricted. Such rectification or erasure of personal data or restriction of processing should be communicated to recipients to whom the data have been disclosed and to the competent authorities from which the inaccurate data originated. The controllers should also abstain from further dissemination of such data.

(48) Where the controller denies a data subject his or her right to information, access to or rectification or erasure of personal data or restriction of processing, the data subject should have the right to request that the national supervisory authority verify the lawfulness of the processing. The data subject should be informed of that right. Where the supervisory authority acts on behalf of the data subject, the data subject should be informed by the supervisory authority at least that all necessary verifications or reviews by the supervisory authority have taken place. The supervisory authority should also inform the data subject of the right to seek a judicial remedy.

(49) Where the personal data are processed in the course of a criminal investigation and court proceedings in criminal matters, Member States should be able to provide that the exercise the right to information, access to and rectification or erasure of personal data and restriction of processing is carried out in accordance with national rules on judicial proceedings.

(50) The responsibility and liability of the controller for any processing of personal data carried out by the controller or on the controller's behalf should be established. In particular, the controller should be obliged to implement appropriate and effective measures and should be able to demonstrate that processing activities are in compliance with this Directive. Such measures should take into account the nature, scope, context and purposes of the processing and the risk to the rights and freedoms of natural persons. The measures taken by the controller should include drawing up and implementing specific safeguards in respect of the treatment of personal data of vulnerable natural persons, such as children.

(51) The risk to the rights and freedoms of natural persons, of varying likelihood and severity, may result from data processing which could lead to physical, material or non-material damage, in particular: where the processing may give rise to discrimination, identity theft or fraud, financial loss, damage to the reputation, loss of confidentiality of data protected by professional secrecy, unauthorised reversal of pseudonymisation or any other significant economic or social disadvantage; where data subjects might be deprived of their rights and freedoms or from exercising control over their personal data; where personal data are processed which reveal racial or ethnic origin, political opinions, religion or philosophical beliefs or trade union membership; where genetic data or biometric data are processed in order to uniquely identify a person or where data concerning health or data concerning sex life and sexual orientation or criminal convictions and offences or related security measures are processed; where personal aspects are evaluated, in particular analysing and predicting aspects concerning performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements, in order to create or use personal profiles; where personal data of vulnerable natural persons, in particular children, are processed; or where processing involves a large amount of personal data and affects a large number of data subjects.

(52) The likelihood and severity of the risk should be determined by reference to the nature, scope, context and purposes of the processing. Risk should be evaluated on the basis of an objective assessment, through which it is established whether data-processing operations involve a high risk. A high risk is a particular risk of prejudice to the rights and freedoms of data subjects.

(53) The protection of the rights and freedoms of natural persons with regard to the processing of personal data requires that appropriate technical and organisational measures are taken, to ensure that the requirements of this Directive are met. The implementation of such measures should not depend solely on economic considerations. In order to be able to demonstrate compliance with this Directive, the controller should adopt internal policies and implement measures which adhere in particular to the principles of data protection by design and data protection by default. Where the controller has carried out a data protection impact assessment pursuant to this Directive, the results should be taken into account when developing those measures and procedures. The measures could consist, inter alia, of the use of pseudonymisation, as early as possible. The use of pseudonymisation for the purposes of this Directive can serve as a tool that could facilitate, in particular, the free flow of personal data within the area of freedom, security and justice.

(54) The protection of the rights and freedoms of data subjects as well as the responsibility and liability of controllers and processors, also in relation to the monitoring by and measures of supervisory authorities, requires a clear attribution of the responsibilities set out in this Directive, including where a controller determines the purposes and means of the processing jointly with other controllers or where a processing operation is carried out on behalf of a controller.

(55) The carrying-out of processing by a processor should be governed by a legal act including a contract binding the processor to the controller and stipulating, in particular, that the processor should act only on instructions from the controller. The processor should take into account the principle of data protection by design

and by default.

(56) In order to demonstrate compliance with this Directive, the controller or processor should maintain records regarding all categories of processing activities under its responsibility. Each controller and processor should be obliged to cooperate with the supervisory authority and make those records available to it on request, so that they might serve for monitoring those processing operations. The controller or the processor processing personal data in non-automated processing systems should have in place effective methods of demonstrating the lawfulness of the processing, of enabling self-monitoring and of ensuring data integrity and data security, such as logs or other forms of records.

(57) Logs should be kept at least for operations in automated processing systems such as collection, alteration, consultation, disclosure including transfers, combination or erasure. The identification of the person who consulted or disclosed personal data should be logged and from that identification it should be possible to establish the justification for the processing operations. The logs should solely be used for the verification of the lawfulness of the processing, self-monitoring, for ensuring data integrity and data security and criminal proceedings. Self-monitoring also includes internal disciplinary proceedings of competent authorities.

(58) A data protection impact assessment should be carried out by the controller where the processing operations are likely to result in a high risk to the rights and freedoms of data subjects by virtue of their nature, scope or purposes, which should include, in particular, the measures, safeguards and mechanisms envisaged to ensure the protection of personal data and to demonstrate compliance with this Directive. Impact assessments should cover relevant systems and processes of processing operations, but not individual cases.

(59) In order to ensure effective protection of the rights and freedoms of data subjects, the controller or processor should consult the supervisory authority, in certain cases, prior to the processing.

(60) In order to maintain security and to prevent processing that infringes this Directive, the controller or processor should evaluate the risks inherent in the processing and should implement measures to mitigate those risks, such as encryption. Such measures should ensure an appropriate level of security, including confidentiality and take into account the state of the art, the costs of implementation in relation to the risk and the nature of the personal data to be protected. In assessing data security risks, consideration should be given to the risks that are presented by data processing, such as the accidental or unlawful destruction, loss, alteration or unauthorised disclosure of or access to personal data transmitted, stored or otherwise processed, which may, in particular, lead to physical, material or non-material damage. The controller and processor should ensure that the processing of personal data is not carried out by unauthorised persons.

(61) A personal data breach may, if not addressed in an appropriate and timely manner, result in physical, material or non-material damage to natural persons such as loss of control over their personal data or limitation of their rights, discrimination, identity theft or fraud, financial loss, unauthorised reversal of pseudonymisation, damage to

reputation, loss of confidentiality of personal data protected by professional secrecy or any other significant economic or social disadvantage to the natural person concerned. Therefore, as soon as the controller becomes aware that a personal data breach has occurred, the controller should notify the personal data breach to the supervisory authority without undue delay and, where feasible, not later than 72 hours after having become aware of it, unless the controller is able to demonstrate, in accordance with the accountability principle, that the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where such notification cannot be achieved within 72 hours, the reasons for the delay should accompany the notification and information may be provided in phases without undue further delay.

(62) Natural persons should be informed without undue delay where the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, in order to allow them to take the necessary precautions. The communication should describe the nature of the personal data breach and include recommendations for the natural person concerned to mitigate potential adverse effects. Communication to data subjects should be made as soon as reasonably feasible, in close cooperation with the supervisory authority, and respecting guidance provided by it or other relevant authorities. For example, the need to mitigate an immediate risk of damage would call for a prompt communication to data subjects, whereas the need to implement appropriate measures against continuing or similar data breaches may justify more time for the communication. Where avoiding obstruction of official or legal inquiries, investigations or procedures, avoiding prejudice to the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties, protecting public security, protecting national security or protecting the rights and freedoms of others cannot be achieved by delaying or restricting the communication of a personal data breach to the natural person concerned, such communication could, in exceptional circumstances, be omitted.

(63) The controller should designate a person who would assist it in monitoring internal compliance with the provisions adopted pursuant to this Directive, except where a Member State decides to exempt courts and other independent judicial authorities when acting in their judicial capacity. That person could be a member of the existing staff of the controller who received special training in data protection law and practice in order to acquire expert knowledge in that field. The necessary level of expert knowledge should be determined, in particular, according to the data processing carried out and the protection required for the personal data processed by the controller. His or her task could be carried out on a part-time or full-time basis. A data protection officer may be appointed jointly by several controllers, taking into account their organisational structure and size, for example in the case of shared resources in central units. That person can also be appointed to different positions within the structure of the relevant controllers. That person should help the controller and the employees processing personal data by informing and advising them on compliance with their relevant data protection obligations. Such data protection officers should be in a position to perform their duties and tasks in an independent manner in accordance with Member State law.

(64) Member States should ensure that a transfer to a third country or to an international organisation takes place only if necessary for the prevention,

investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, and that the controller in the third country or international organisation is an authority competent within the meaning of this Directive. A transfer should be carried out only by competent authorities acting as controllers, except where processors are explicitly instructed to transfer on behalf of controllers. Such a transfer may take place in cases where the Commission has decided that the third country or international organisation in question ensures an adequate level of protection, where appropriate safeguards have been provided, or where derogations for specific situations apply. Where personal data are transferred from the Union to controllers, to processors or to other recipients in third countries or international organisations, the level of protection of natural persons provided for in the Union by this Directive should not be undermined, including in cases of onward transfers of personal data from the third country or international organisation to controllers or processors in the same or in another third country or international organisation.

(65) Where personal data are transferred from a Member State to third countries or international organisations, such a transfer should, in principle, take place only after the Member State from which the data were obtained has given its authorisation to the transfer. The interests of efficient law-enforcement cooperation require that where the nature of a threat to the public security of a Member State or a third country or to the essential interests of a Member State is so immediate as to render it impossible to obtain prior authorisation in good time, the competent authority should be able to transfer the relevant personal data to the third country or international organisation concerned without such a prior authorisation. Member States should provide that any specific conditions concerning the transfer should be communicated to third countries or international organisations. Onward transfers of personal data should be subject to prior authorisation by the competent authority that carried out the original transfer. When deciding on a request for the authorisation of an onward transfer, the competent authority that carried out the original transfer should take due account of all relevant factors, including the seriousness of the criminal offence, the specific conditions subject to which, and the purpose for which, the data was originally transferred, the nature and conditions of the execution of the criminal penalty, and the level of personal data protection in the third country or an international organisation to which personal data are onward transferred. The competent authority that carried out the original transfer should also be able to subject the onward transfer to specific conditions. Such specific conditions can be described, for example, in handling codes.

(66) The Commission should be able to decide with effect for the entire Union that certain third countries, a territory or one or more specified sectors within a third country, or an international organisation, offer an adequate level of data protection, thus providing legal certainty and uniformity throughout the Union as regards the third countries or international organisations which are considered to provide such a level of protection. In such cases, transfers of personal data to those countries should be able to take place without the need to obtain any specific authorisation, except where another Member State from which the data were obtained has to give its authorisation to the transfer.

(67) In line with the fundamental values on which the Union is founded, in particular the protection of human rights, the Commission should, in its assessment of the

third country, or of a territory or specified sector within a third country, take into account how a particular third country respects the rule of law, access to justice as well as international human rights norms and standards and its general and sectoral law, including legislation concerning public security, defence and national security, as well as public order and criminal law. The adoption of an adequacy decision with regard to a territory or a specified sector in a third country should take into account clear and objective criteria, such as specific processing activities and the scope of applicable legal standards and legislation in force in the third country. The third country should offer guarantees ensuring an adequate level of protection essentially equivalent to that ensured within the Union, in particular where data are processed in one or several specific sectors. In particular, the third country should ensure effective independent data protection supervision and provide for cooperation mechanisms with the Member States' data protection authorities, and the data subjects should be provided with effective and enforceable rights and effective administrative and judicial redress.

(68) Apart from the international commitments the third country or international organisation has entered into, the Commission should also take account of obligations arising from the third country's or international organisation's participation in multilateral or regional systems, in particular in relation to the protection of personal data, as well as the implementation of such obligations. In particular the third country's accession to the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to the Automatic Processing of Personal Data and its Additional Protocol should be taken into account. The Commission should consult with the European Data Protection Board established by Regulation (EU) 2016/679 (the ‘Board’) when assessing the level of protection in third countries or international organisations. The Commission should also take into account any relevant Commission adequacy decision adopted in accordance with Article 45 of Regulation (EU) 2016/679.

(69) The Commission should monitor the functioning of decisions on the level of protection in a third country, a territory or a specified sector within a third country, or an international organisation. In its adequacy decisions, the Commission should provide for a periodic review mechanism of their functioning. That periodic review should be undertaken in consultation with the third country or international organisation in question and should take into account all relevant developments in the third country or international organisation.

(70) The Commission should also be able to recognise that a third country, a territory or a specified sector within a third country, or an international organisation, no longer ensures an adequate level of data protection. Consequently, the transfer of personal data to that third country or international organisation should be prohibited unless the requirements in this Directive relating to transfers subject to appropriate safeguards and derogations for specific situations are fulfilled. Provision should be made for procedures for consultations between the Commission and such third countries or international organisations. The Commission should, in a timely manner, inform the third country or international organisation of the reasons and enter into consultations with it in order to remedy the situation.

(71) Transfers not based on such an adequacy decision should be allowed only where appropriate safeguards have been provided in a legally binding instrument which ensures the protection of personal data or where the controller has assessed all the circumstances surrounding the data transfer and, on the basis of that assessment, considers that appropriate safeguards with regard to the protection of personal data exist. Such legally binding instruments could, for example, be legally binding bilateral agreements which have been concluded by the Member States and implemented in their legal order and which could be enforced by their data subjects, ensuring compliance with data protection requirements and the rights of the data subjects, including the right to obtain effective administrative or judicial redress. The controller should be able to take into account cooperation agreements concluded between Europol or Eurojust and third countries which allow for the exchange of personal data when carrying out the assessment of all the circumstances surrounding the data transfer. The controller should be able to also take into account the fact that the transfer of personal data will be subject to confidentiality obligations and the principle of specificity, ensuring that the data will not be processed for other purposes than for the purposes of the transfer. In addition, the controller should take into account that the personal data will not be used to request, hand down or execute a death penalty or any form of cruel and inhuman treatment. While those conditions could be considered to be appropriate safeguards allowing the transfer of data, the controller should be able to require additional safeguards.

(72) Where no adequacy decision or appropriate safeguards exist, a transfer or a category of transfers could take place only in specific situations, if necessary to protect the vital interests of the data subject or another person, or to safeguard legitimate interests of the data subject where the law of the Member State transferring the personal data so provides; for the prevention of an immediate and serious threat to the public security of a Member State or a third country; in an individual case for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; or in an individual case for the establishment, exercise or defence of legal claims. Those derogations should be interpreted restrictively and should not allow frequent, massive and structural transfers of personal data, or large-scale transfers of data, but should be limited to data strictly necessary. Such transfers should be documented and should be made available to the supervisory authority on request in order to monitor the lawfulness of the transfer.

(73) Competent authorities of Member States apply bilateral or multilateral international agreements in force, concluded with third countries in the field of judicial cooperation in criminal matters and police cooperation, for the exchange of relevant information to allow them to perform their legally assigned tasks. In principle, this takes place through, or at least with, the cooperation of the authorities competent in the third countries concerned for the purposes of this Directive, sometimes even in the absence of a bilateral or multilateral international agreement. However, in specific individual cases, the regular procedures requiring contacting such an authority in the third country may be ineffective or inappropriate, in particular because the transfer could not be carried out in a timely manner, or because that authority in the third country does not respect the rule of law or international human rights norms and standards, so that competent authorities of Member States could decide to transfer personal

data directly to recipients established in those third countries. This may be the case where there is an urgent need to transfer personal data to save the life of a person who is in danger of becoming a victim of a criminal offence or in the interest of preventing an imminent perpetration of a crime, including terrorism. Even if such a transfer between competent authorities and recipients established in third countries should take place only in specific individual cases, this Directive should provide for conditions to regulate such cases. Those provisions should not be considered to be derogations from any existing bilateral or multilateral international agreements in the field of judicial cooperation in criminal matters and police cooperation. Those rules should apply in addition to the other rules of this Directive, in particular those on the lawfulness of processing and Chapter V.

(74) Where personal data move across borders it may put at increased risk the ability of natural persons to exercise data protection rights to protect themselves from the unlawful use or disclosure of those data. At the same time, supervisory authorities may find that they are unable to pursue complaints or conduct investigations relating to the activities outside their borders. Their efforts to work together in the cross-border context may also be hampered by insufficient preventative or remedial powers and inconsistent legal regimes. Therefore, there is a need to promote closer cooperation among data protection supervisory authorities to help them exchange information with their foreign counterparts.

(75) The establishment in Member States of supervisory authorities that are able to exercise their functions with complete independence is an essential component of the protection of natural persons with regard to the processing of their personal data. The supervisory authorities should monitor the application of the provisions adopted pursuant to this Directive and should contribute to their consistent application throughout the Union in order to protect natural persons with regard to the processing of their personal data. To that end, the supervisory authorities should cooperate with each other and with the Commission.

(76) Member States may entrust a supervisory authority already established under Regulation (EU) 2016/679 with the responsibility for the tasks to be performed by the national supervisory authorities to be established under this Directive.

(77) Member States should be allowed to establish more than one supervisory authority to reflect their constitutional, organisational and administrative structure. Each supervisory authority should be provided with the financial and human resources, premises and infrastructure, which are necessary for the effective performance of their tasks, including for the tasks related to mutual assistance and cooperation with other supervisory authorities throughout the Union. Each supervisory authority should have a separate, public annual budget, which may be part of the overall state or national budget.

(78) Supervisory authorities should be subject to independent control or monitoring mechanisms regarding their financial expenditure, provided that such financial control does not affect their independence.

(79) The general conditions for the member or members of the supervisory authority should be laid down by Member State law and should in particular provide that those members should be either appointed by the parliament or the government

or the head of State of the Member State based on a proposal from the government or a member of the government, or the parliament or its chamber, or by an independent body entrusted by Member State law with the appointment by means of a transparent procedure. In order to ensure the independence of the supervisory authority, the member or members should act with integrity, should refrain from any action incompatible with their duties and should not, during their term of office, engage in any incompatible occupation, whether gainful or not. In order to ensure the independence of the supervisory authority, the staff should be chosen by the supervisory authority which may include an intervention by an independent body entrusted by Member State law.

(80) While this Directive applies also to the activities of national courts and other judicial authorities, the competence of the supervisory authorities should not cover the processing of personal data where courts are acting in their judicial capacity, in order to safeguard the independence of judges in the performance of their judicial tasks. That exemption should be limited to judicial activities in court cases and not apply to other activities where judges might be involved in accordance with Member State law. Member States should also be able to provide that the competence of the supervisory authority does not cover the processing of personal data of other independent judicial authorities when acting in their judicial capacity, for example public prosecutor's office. In any event, the compliance with the rules of this Directive by the courts and other independent judicial authorities is always subject to independent supervision in accordance with Article 8(3) of the Charter.

(81) Each supervisory authority should handle complaints lodged by any data subject and should investigate the matter or transmit it to the competent supervisory authority. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be provided to the data subject.

(82) In order to ensure effective, reliable and consistent monitoring of compliance with and enforcement of this Directive throughout the Union pursuant to the TFEU as interpreted by the Court of Justice, the supervisory authorities should have in each Member State the same tasks and effective powers, including investigative, corrective, and advisory powers which constitute necessary means to perform their tasks. However, their powers should not interfere with specific rules for criminal proceedings, including investigation and prosecution of criminal offences, or the independence of the judiciary. Without prejudice to the powers of prosecutorial authorities under Member State law, supervisory authorities should also have the power to bring infringements of this Directive to the attention of the judicial authorities or to engage in legal proceedings. The powers of supervisory authorities should be exercised in accordance with appropriate procedural safeguards laid down by Union and Member State law, impartially, fairly and within a reasonable time. In particular each measure should be appropriate, necessary and proportionate in view of ensuring compliance with this Directive, taking into account the circumstances of each individual case, respect the right of every person to be heard before any individual measure that would adversely affect the person concerned is taken,

and avoiding superfluous costs and excessive inconvenience to the person concerned. Investigative powers as regards access to premises should be exercised in accordance with specific requirements in Member State law, such as the requirement to obtain a prior judicial authorisation. The adoption of a legally binding decision should be subject to judicial review in the Member State of the supervisory authority that adopted the decision.

(83) The supervisory authorities should assist one another in performing their tasks and provide mutual assistance, so as to ensure the consistent application and enforcement of the provisions adopted pursuant to this Directive.

(84) The Board should contribute to the consistent application of this Directive throughout the Union, including advising the Commission and promoting the cooperation of the supervisory authorities throughout the Union.

(85) Every data subject should have the right to lodge a complaint with a single supervisory authority and to an effective judicial remedy in accordance with Article 47 of the Charter where the data subject considers that his or her rights under provisions adopted pursuant to this Directive are infringed or where the supervisory authority does not act on a complaint, partially or wholly rejects or dismisses a complaint or does not act where such action is necessary to protect the rights of the data subject. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The competent supervisory authority should inform the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be provided to the data subject. In order to facilitate the submission of complaints, each supervisory authority should take measures such as providing a complaint submission form which can also be completed electronically, without excluding other means of communication.

(86) Each natural or legal person should have the right to an effective judicial remedy before the competent national court against a decision of a supervisory authority which produces legal effects concerning that person. Such a decision concerns in particular the exercise of investigative, corrective and authorisation powers by the supervisory authority or the dismissal or rejection of complaints. However, that right does not encompass other measures of supervisory authorities which are not legally binding, such as opinions issued by or advice provided by the supervisory authority. Proceedings against a supervisory authority should be brought before the courts of the Member State where the supervisory authority is established and should be conducted in accordance with Member State law. Those courts should exercise full jurisdiction which should include jurisdiction to examine all questions of fact and law relevant to the dispute before it.

(87) Where a data subject considers that his or her rights under this Directive are infringed, he or she should have the right to mandate a body which aims to protect the rights and interests of data subjects in relation to the protection of their personal data and is constituted according to Member State law to lodge a complaint on his or her behalf with a supervisory authority and to exercise the right to a judicial remedy. The right of representation of data subjects should be without prejudice to Member State procedural law which may require mandatory representation of data subjects by a lawyer, as defined in Council Directive

77/249/EEC (10), before national courts.

(88) Any damage which a person may suffer as a result of processing that infringes the provisions adopted pursuant to this Directive should be compensated by the controller or any other authority competent under Member State law. The concept of damage should be broadly interpreted in the light of the case-law of the Court of Justice in a manner which fully reflects the objectives of this Directive. This is without prejudice to any claims for damage deriving from the violation of other rules in Union or Member State law. When reference is made to processing that is unlawful or that infringes the provisions adopted pursuant to this Directive it also covers processing that infringes implementing acts adopted pursuant to this Directive. Data subjects should receive full and effective compensation for the damage that they have suffered.

(89) Penalties should be imposed on any natural or legal person, whether governed by private or public law, who infringes this Directive. Member States should ensure that the penalties are effective, proportionate and dissuasive and should take all measures to implement the penalties.

(90) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission with regard to the adequate level of protection afforded by a third country, a territory or a specified sector within a third country, or an international organisation and the format and procedures for mutual assistance and the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the Board. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council (11).

(91) The examination procedure should be used for the adoption of implementing acts on the adequate level of protection afforded by a third country, a territory or a specified sector within a third country, or an international organisation and on the format and procedures for mutual assistance and the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the Board, given that those acts are of a general scope.

(92) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to a third country, a territory or a specified sector within a third country, or an international organisation which no longer ensure an adequate level of protection, imperative grounds of urgency so require.

(93) Since the objectives of this Directive, namely to protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data and to ensure the free exchange of personal data by competent authorities within the Union, cannot be sufficiently achieved by the Member States and can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives

(94) Specific provisions of acts of the Union adopted in the field of judicial cooperation in criminal matters and police cooperation which were adopted prior to the date of the adoption of this Directive, regulating the processing of personal data between Member States or the access of designated authorities of Member States to information systems established pursuant to the Treaties, should remain unaffected, such as, for example, the specific provisions concerning the protection of personal data applied pursuant to Council Decision 2008/615/JHA (12), or Article 23 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (13). Since Article 8 of the Charter and Article 16 TFEU require that the fundamental right to the protection of personal data be ensured in a consistent manner throughout the Union, the Commission should evaluate the situation with regard to the relationship between this Directive and the acts adopted prior to the date of adoption of this Directive regulating the processing of personal data between Member States or the access of designated authorities of Member States to information systems established pursuant to the Treaties, in order to assess the need for alignment of those specific provisions with this Directive. Where appropriate, the Commission should make proposals with a view to ensuring consistent legal rules relating to the processing of personal data.

(95) In order to ensure a comprehensive and consistent protection of personal data in the Union, international agreements which were concluded by Member States prior to the date of entry into force of this Directive and which comply with the relevant Union law applicable prior to that date should remain in force until amended, replaced or revoked.

(96) Member States should be allowed a period of not more than two years from the date of entry into force of this Directive to transpose it. Processing already under way on that date should be brought into conformity with this Directive within the period of two years after which this Directive enters into force. However, where such processing complies with the Union law applicable prior to the date of entry into force of this Directive, the requirements of this Directive concerning the prior consultation of the supervisory authority should not apply to the processing operations already under way on that date given that those requirements, by their very nature, are to be met prior to the processing. Where Member States use the longer implementation period expiring seven years after the date of entry into force of this Directive for meeting the logging obligations for automated processing systems set up prior to that date, the controller or the processor should have in place effective methods for demonstrating the lawfulness of the data processing, for enabling self-monitoring and for ensuring data integrity and data security, such as logs or other forms of records.

(97) This Directive is without prejudice to the rules on combating the sexual abuse and sexual exploitation of children and child pornography as laid down in Directive 2011/93/EU of the European Parliament and of the Council (14).

(98) Framework Decision 2008/977/JHA should therefore be repealed.

(99) In accordance with Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, as annexed to the TEU and to the TFEU, the United Kingdom and Ireland are not bound by the rules laid down in this Directive which relate to the processing of

personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU where the United Kingdom and Ireland are not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down on the basis of Article 16 TFEU.

(100) In accordance with Articles 2 and 2a of Protocol No 22 on the position of Denmark, as annexed to the TEU and to the TFEU, Denmark is not bound by the rules laid down in this Directive or subject to their application which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU. Given that this Directive builds upon the Schengen acquis, under Title V of Part Three of the TFEU, Denmark, in accordance with Article 4 of that Protocol, is to decide within six months after adoption of this Directive whether it will implement it in its national law.

(101) As regards Iceland and Norway, this Directive constitutes a development of provisions of the Schengen acquis, as provided for by the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (15).

(102) As regards Switzerland, this Directive constitutes a development of provisions of the Schengen acquis, as provided for by the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis (16).

(103) As regards Liechtenstein, this Directive constitutes a development of provisions of the Schengen acquis, as provided for by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (17).

(104) This Directive respects the fundamental rights and observes the principles recognised in the Charter as enshrined in the TFEU, in particular the right to respect for private and family life, the right to the protection of personal data, the right to an effective remedy and to a fair trial. Limitations placed on those rights are in accordance with Article 52(1) of the Charter as they are necessary to meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

(105) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of

their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition measures. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

(106) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on 7 March 2012 (18).

(107) This Directive should not preclude Member States from implementing the exercise of the rights of data subjects on information, access to and rectification or erasure of personal data and restriction of processing in the course of criminal proceedings, and their possible restrictions thereto, in national rules on criminal procedure,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

Subject-matter and objectives

1. This Directive lays down the rules relating to the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

2. In accordance with this Directive, Member States shall:

(a) protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data; and

(b) ensure that the exchange of personal data by competent authorities within the Union, where such exchange is required by Union or Member State law, is neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.

3. This Directive shall not preclude Member States from providing higher safeguards than those established in this Directive for the protection of the rights and freedoms of the data subject with regard to the processing of personal data by competent authorities.

Article 2

Scope

1. This Directive applies to the processing of personal data by competent authorities for the purposes set out in Article 1(1).

2. This Directive applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

3. This Directive does not apply to the processing of personal data:

(a) in the course of an activity which falls outside the scope of Union law;

(b) by the Union institutions, bodies, offices and agencies.

Article 3

Definitions

For the purposes of this Directive:

(1) ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

(2) ‘processing’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

(3) ‘restriction of processing’ means the marking of stored personal data with the aim of limiting their processing in the future;

(4) ‘profiling’ means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

(5) ‘pseudonymisation’ means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

(6) ‘filing system’ means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;

(7) ‘competent authority’ means:

(a) any public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; or

(b) any other body or entity entrusted by Member State law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

(8) ‘controller’ means the competent authority which, alone or jointly with others,

determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

(9) 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

(10) 'recipient' means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

(11) 'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

(12) 'genetic data' means personal data, relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;

(13) 'biometric data' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

(14) 'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;

(15) 'supervisory authority' means an independent public authority which is established by a Member State pursuant to Article 41;

(16) 'international organisation' means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries.

CHAPTER II

Principles

Article 4

Principles relating to processing of personal data

1. Member States shall provide for personal data to be:

(a) processed lawfully and fairly;

(b) collected for specified, explicit and legitimate purposes and not processed in a manner

that is incompatible with those purposes;

(c) adequate, relevant and not excessive in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which they are processed;

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2. Processing by the same or another controller for any of the purposes set out in Article 1(1) other than that for which the personal data are collected shall be permitted in so far as:

(a) the controller is authorised to process such personal data for such a purpose in accordance with Union or Member State law; and

(b) processing is necessary and proportionate to that other purpose in accordance with Union or Member State law.

3. Processing by the same or another controller may include archiving in the public interest, scientific, statistical or historical use, for the purposes set out in Article 1(1), subject to appropriate safeguards for the rights and freedoms of data subjects.

4. The controller shall be responsible for, and be able to demonstrate compliance with, paragraphs 1, 2 and 3.

Article 5

Time-limits for storage and review

Member States shall provide for appropriate time limits to be established for the erasure of personal data or for a periodic review of the need for the storage of personal data. Procedural measures shall ensure that those time limits are observed.

Article 6

Distinction between different categories of data subject

Member States shall provide for the controller, where applicable and as far as possible, to make a clear distinction between personal data of different categories of data subjects, such as:

(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence;

(b) persons convicted of a criminal offence;

(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that he or she could be the victim of a criminal offence; and

(d) other parties to a criminal offence, such as persons who might be called on to testify in investigations in connection with criminal offences or subsequent criminal

proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).

Article 7

Distinction between personal data and verification of quality of personal data

1. Member States shall provide for personal data based on facts to be distinguished, as far as possible, from personal data based on personal assessments.

2. Member States shall provide for the competent authorities to take all reasonable steps to ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, each competent authority shall, as far as practicable, verify the quality of personal data before they are transmitted or made available. As far as possible, in all transmissions of personal data, necessary information enabling the receiving competent authority to assess the degree of accuracy, completeness and reliability of personal data, and the extent to which they are up to date shall be added.

3. If it emerges that incorrect personal data have been transmitted or personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the personal data shall be rectified or erased or processing shall be restricted in accordance with Article 16.

Article 8

Lawfulness of processing

1. Member States shall provide for processing to be lawful only if and to the extent that processing is necessary for the performance of a task carried out by a competent authority for the purposes set out in Article 1(1) and that it is based on Union or Member State law.

2. Member State law regulating processing within the scope of this Directive shall specify at least the objectives of processing, the personal data to be processed and the purposes of the processing.

Article 9

Specific processing conditions

1. Personal data collected by competent authorities for the purposes set out in Article 1(1) shall not be processed for purposes other than those set out in Article 1(1) unless such processing is authorised by Union or Member State law. Where personal data are processed for such other purposes, Regulation (EU) 2016/679 shall apply unless the processing is carried out in an activity which falls outside the scope of Union law.

2. Where competent authorities are entrusted by Member State law with the performance of tasks other than those performed for the purposes set out in Article 1(1), Regulation (EU) 2016/679 shall apply to processing for such purposes, including for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, unless the processing is carried out in an activity which falls outside the scope of Union law.

3. Member States shall, where Union or Member State law applicable to the transmitting competent authority provides specific conditions for processing, provide for the transmitting competent authority to inform the recipient of such personal data of those conditions and the requirement to comply with them.

4. Member States shall provide for the transmitting competent authority not to apply conditions pursuant to paragraph 3 to recipients in other Member States or to agencies, offices and bodies established pursuant to Chapters 4 and 5 of Title V of the TFEU other than those applicable to similar transmissions of data within the Member State of the transmitting competent authority.

Article 10

Processing of special categories of personal data

Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary, subject to appropriate safeguards for the rights and freedoms of the data subject, and only:

(a) where authorised by Union or Member State law;

(b) to protect the vital interests of the data subject or of another natural person; or

(c) where such processing relates to data which are manifestly made public by the data subject.

Article 11

Automated individual decision-making

1. Member States shall provide for a decision based solely on automated processing, including profiling, which produces an adverse legal effect concerning the data subject or significantly affects him or her, to be prohibited unless authorised by Union or Member State law to which the controller is subject and which provides appropriate safeguards for the rights and freedoms of the data subject, at least the right to obtain human intervention on the part of the controller.

2. Decisions referred to in paragraph 1 of this Article shall not be based on special categories of personal data referred to in Article 10, unless suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.

3. Profiling that results in discrimination against natural persons on the basis of special categories of personal data referred to in Article 10 shall be prohibited, in accordance with Union law.

CHAPTER III

Rights of the data subject

Article 12

Communication and modalities for exercising the rights of the data subject

1. Member States shall provide for the controller to take reasonable steps to provide any information referred to in Article 13 and make any communication with regard to Articles 11, 14 to 18 and 31 relating to processing to the data subject in a concise, intelligible and easily accessible form, using clear and plain language. The information shall be provided by any appropriate means, including by electronic means. As a general rule, the controller shall provide the information in the same form as the request.

2. Member States shall provide for the controller to facilitate the exercise of the rights of the data subject under Articles 11 and 14 to 18.

3. Member States shall provide for the controller to inform the data subject in writing about the follow up to his or her request without undue delay.

4. Member States shall provide for the information provided under Article 13 and any communication made or action taken pursuant to Articles 11, 14 to 18 and 31 to be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:

(a) charge a reasonable fee, taking into account the administrative costs of providing the information or communication or taking the action requested; or

(b) refuse to act on the request.

The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

5. Where the controller has reasonable doubts concerning the identity of the natural person making a request referred to in Article 14 or 16, the controller may request the provision of additional information necessary to confirm the identity of the data subject.

Article 13

Information to be made available or given to the data subject

1. Member States shall provide for the controller to make available to the data subject at least the following information:

(a) the identity and the contact details of the controller;

(b) the contact details of the data protection officer, where applicable;

(c) the purposes of the processing for which the personal data are intended;

(d) the right to lodge a complaint with a supervisory authority and the contact details of the supervisory authority;

(e) the existence of the right to request from the controller access to and rectification or erasure of personal data and restriction of processing of the personal data concerning the data subject.

2. In addition to the information referred to in paragraph 1, Member States shall provide by law for the controller to give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:

(a) the legal basis for the processing;

(b) the period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period;

(c) where applicable, the categories of recipients of the personal data, including in third countries or international organisations;

(d) where necessary, further information, in particular where the personal data are collected without the knowledge of the data subject.

3. Member States may adopt legislative measures delaying, restricting or omitting the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security;

(d) protect national security;

(e) protect the rights and freedoms of others.

4. Member States may adopt legislative measures in order to determine categories of processing which may wholly or partly fall under any of the points listed in paragraph 3.

Article 14

Right of access by the data subject

Subject to Article 15, Member States shall provide for the right of the data subject to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of and legal basis for the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients to whom the personal data have been disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject;

(f) the right to lodge a complaint with the supervisory authority and the contact details of the supervisory authority;

(g) communication of the personal data undergoing processing and of any available information as to their origin.

Article 15

Limitations to the right of access

1. Member States may adopt legislative measures restricting, wholly or partly, the data subject's right of access to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security;

(d) protect national security;

(e) protect the rights and freedoms of others.

2. Member States may adopt legislative measures in order to determine categories of processing which may wholly or partly fall under points (a) to (e) of paragraph 1.

3. In the cases referred to in paragraphs 1 and 2, Member States shall provide for the controller to inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine a purpose under paragraph 1. Member States shall provide for the controller to inform the data subject of the possibility of lodging a complaint with a supervisory authority or seeking a judicial remedy.

4. Member States shall provide for the controller to document the factual or legal reasons on which the decision is based. That information shall be made available to the supervisory authorities.

Article 16

Right to rectification or erasure of personal data and restriction of processing

1. Member States shall provide for the right of the data subject to obtain from the controller without undue delay the rectification of inaccurate personal data relating to him or her. Taking into account the purposes of the processing, Member States shall provide for the data subject to have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

2. Member States shall require the controller to erase personal data without undue delay and provide for the right of the data subject to obtain from the controller the erasure of personal data concerning him or her without undue delay where processing infringes the provisions adopted pursuant to Article 4, 8 or 10, or where personal data must be erased in order to comply with a legal obligation to which the controller is subject.

3. Instead of erasure, the controller shall restrict processing where:

(a) the accuracy of the personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or

(b) the personal data must be maintained for the purposes of evidence.

Where processing is restricted pursuant to point (a) of the first subparagraph, the controller shall inform the data subject before lifting the restriction of processing.

4. Member States shall provide for the controller to inform the data subject in writing of any refusal of rectification or erasure of personal data or restriction of processing and of the reasons for the refusal. Member States may adopt legislative measures restricting, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security;

(d) protect national security;

(e) protect the rights and freedoms of others.

Member States shall provide for the controller to inform the data subject of the possibility of

lodging a complaint with a supervisory authority or seeking a judicial remedy.

5. Member States shall provide for the controller to communicate the rectification of inaccurate personal data to the competent authority from which the inaccurate personal data originate.

6. Member States shall, where personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, provide for the controller to notify the recipients and that the recipients shall rectify or erase the personal data or restrict processing of the personal data under their responsibility.

Article 17

Exercise of rights by the data subject and verification by the supervisory authority

1. In the cases referred to in Article 13(3), Article 15(3) and Article 16(4) Member States shall adopt measures providing that the rights of the data subject may also be exercised through the competent supervisory authority.

2. Member States shall provide for the controller to inform the data subject of the possibility of exercising his or her rights through the supervisory authority pursuant to paragraph 1.

3. Where the right referred to in paragraph 1 is exercised, the supervisory authority shall inform the data subject at least that all necessary verifications or a review by the supervisory authority have taken place. The supervisory authority shall also inform the data subject of his or her right to seek a judicial remedy.

Article 18

Rights of the data subject in criminal investigations and proceedings

Member States may provide for the exercise of the rights referred to in Articles 13, 14 and 16 to be carried out in accordance with Member State law where the personal data are contained in a judicial decision or record or case file processed in the course of criminal investigations and proceedings.

CHAPTER IV

Controller and processor

Section 1

General obligations

Article 19

Obligations of the controller

1. Member States shall provide for the controller, taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons, to implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Directive. Those measures shall be reviewed and updated where necessary.

2. Where proportionate in relation to the processing activities, the measures referred to in paragraph 1 shall include the implementation of appropriate data protection policies by the controller.

Article 20

Data protection by design and by default

1. Member States shall provide for the controller, taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, both at the time of the determination of the means for processing and at the time of the processing

itself, to implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing, in order to meet the requirements of this Directive and protect the rights of data subjects.

2. Member States shall provide for the controller to implement appropriate technical and organisational measures ensuring that, by default, only personal data which are necessary for each specific purpose of the processing are processed. That obligation applies to the amount of personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.

Article 21

Joint controllers

1. Member States shall, where two or more controllers jointly determine the purposes and means of processing, provide for them to be joint controllers. They shall, in a transparent manner, determine their respective responsibilities for compliance with this Directive, in particular as regards the exercise of the rights of the data subject and their respective duties to provide the information referred to in Article 13, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the controllers are determined by Union or Member State law to which the controllers are subject. The arrangement shall designate the contact point for data subjects. Member States may designate which of the joint controllers can act as a single contact point for data subjects to exercise their rights.

2. Irrespective of the terms of the arrangement referred to in paragraph 1, Member States may provide for the data subject to exercise his or her rights under the provisions adopted pursuant to this Directive in respect of and against each of the controllers.

Article 22

Processor

1. Member States shall, where processing is to be carried out on behalf of a controller, provide for the controller to use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of this Directive and ensure the protection of the rights of the data subject.

2. Member States shall provide for the processor not to engage another processor without prior specific or general written authorisation by the controller. In the case of general written authorisation, the processor shall inform the controller of any intended changes concerning the addition or replacement of other processors, thereby giving the controller the opportunity to object to such changes.

3. Member States shall provide for the processing by a processor to be governed by a contract or other legal act under Union or Member State law, that is binding on the processor with regard to the controller and that sets out the subject-matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subjects and the obligations and rights of the controller. That contract or other legal act shall stipulate, in particular, that the processor:

(a) acts only on instructions from the controller;

(b) ensures that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;

(c) assists the controller by any appropriate means to ensure compliance with the provisions on the data subject's rights;

(d) at the choice of the controller, deletes or returns all the personal data to the controller after the end of the provision of data processing services, and deletes existing copies unless Union or Member State law requires storage of the personal data;

(e) makes available to the controller all information necessary to demonstrate compliance with this Article;

(f) complies with the conditions referred to in paragraphs 2 and 3 for engaging another processor.

4. The contract or the other legal act referred to in paragraph 3 shall be in writing, including in an electronic form.

5. If a processor determines, in infringement of this Directive, the purposes and means of processing, that processor shall be considered to be a controller in respect of that processing.

Article 23

Processing under the authority of the controller or processor

Member States shall provide for the processor and any person acting under the authority of the controller or of the processor, who has access to personal data, not to process those data except on instructions from the controller, unless required to do so by Union or Member State law.

Article 24

Records of processing activities

1. Member States shall provide for controllers to maintain a record of all categories of processing activities under their responsibility. That record shall contain all of the following information:

(a) the name and contact details of the controller and, where applicable, the joint controller and the data protection officer;

(b) the purposes of the processing;

(c) the categories of recipients to whom the personal data have been or will be disclosed including recipients in third countries or international organisations;

(d) a description of the categories of data subject and of the categories of personal data;

(e) where applicable, the use of profiling;

(f) where applicable, the categories of transfers of personal data to a third country or an international organisation;

(g) an indication of the legal basis for the processing operation, including transfers, for which the personal data are intended;

(h) where possible, the envisaged time limits for erasure of the different categories of personal data;

(i) where possible, a general description of the technical and organisational security measures

referred to in Article 29(1).

2. Member States shall provide for each processor to maintain a record of all categories of processing activities carried out on behalf of a controller, containing:

(a) the name and contact details of the processor or processors, of each controller on behalf of which the processor is acting and, where applicable, the data protection officer;

(b) the categories of processing carried out on behalf of each controller;

(c) where applicable, transfers of personal data to a third country or an international organisation where explicitly instructed to do so by the controller, including the identification of that third country or international organisation;

(d) where possible, a general description of the technical and organisational security measures referred to in Article 29(1).

3. The records referred to in paragraphs 1 and 2 shall be in writing, including in electronic form.

The controller and the processor shall make those records available to the supervisory authority on request.

Article 25

Logging

1. Member States shall provide for logs to be kept for at least the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure. The logs of consultation and disclosure shall make it possible to establish the justification, date and time of such operations and, as far as possible, the identification of the person who consulted or disclosed personal data, and the identity of the recipients of such personal data.

2. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings.

3. The controller and the processor shall make the logs available to the supervisory authority on request.

Article 26

Cooperation with the supervisory authority

Member States shall provide for the controller and the processor to cooperate, on request, with the supervisory authority in the performance of its tasks on request.

Article 27

Data protection impact assessment

1. Where a type of processing, in particular, using new technologies, and taking into account the nature, scope, context and purposes of the processing is likely to result in a high risk to the rights and freedoms of natural persons, Member States shall provide for the controller to carry out, prior to the processing, an assessment of the impact of the envisaged processing operations on the protection of personal data.

2. The assessment referred to in paragraph 1 shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with this

Directive, taking into account the rights and legitimate interests of the data subjects and other persons concerned.

Article 28

Prior consultation of the supervisory authority

1. Member States shall provide for the controller or processor to consult the supervisory authority prior to processing which will form part of a new filing system to be created, where:

(a) a data protection impact assessment as provided for in Article 27 indicates that the processing would result in a high risk in the absence of measures taken by the controller to mitigate the risk; or

(b) the type of processing, in particular, where using new technologies, mechanisms or procedures, involves a high risk to the rights and freedoms of data subjects.

2. Member States shall provide for the supervisory authority to be consulted during the preparation of a proposal for a legislative measure to be adopted by a national parliament or of a regulatory measure based on such a legislative measure, which relates to processing.

3. Member States shall provide that the supervisory authority may establish a list of the processing operations which are subject to prior consultation pursuant to paragraph 1.

4. Member States shall provide for the controller to provide the supervisory authority with the data protection impact assessment pursuant to Article 27 and, on request, with any other information to allow the supervisory authority to make an assessment of the compliance of the processing and in particular of the risks for the protection of personal data of the data subject and of the related safeguards.

5. Member States shall, where the supervisory authority is of the opinion that the intended processing referred to in paragraph 1 of this Article would infringe the provisions adopted pursuant to this Directive, in particular where the controller has insufficiently identified or mitigated the risk, provide for the supervisory authority to provide, within a period of up to six weeks of receipt of the request for consultation, written advice to the controller and, where applicable, to the processor, and may use any of its powers referred to in Article 47. That period may be extended by a month, taking into account the complexity of the intended processing. The supervisory authority shall inform the controller and, where applicable, the processor of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Section 2

Security of personal data

Article 29

Security of processing

1. Member States shall provide for the controller and the processor, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, in particular as regards the processing of special categories of personal data referred to in Article 10.

2. In respect of automated processing, each Member State shall provide for the controller or processor, following an evaluation of the risks, to implement measures designed to:

(a) deny unauthorised persons access to processing equipment used for processing

(‘equipment access control’);

(b) prevent the unauthorised reading, copying, modification or removal of data media (‘data media control’);

(c) prevent the unauthorised input of personal data and the unauthorised inspection, modification or deletion of stored personal data (‘storage control’);

(d) prevent the use of automated processing systems by unauthorised persons using data communication equipment (‘user control’);

(e) ensure that persons authorised to use an automated processing system have access only to the personal data covered by their access authorisation (‘data access control’);

(f) ensure that it is possible to verify and establish the bodies to which personal data have been or may be transmitted or made available using data communication equipment (‘communication control’);

(g) ensure that it is subsequently possible to verify and establish which personal data have been input into automated processing systems and when and by whom the personal data were input (‘input control’);

(h) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media (‘transport control’);

(i) ensure that installed systems may, in the case of interruption, be restored (‘recovery’);

(j) ensure that the functions of the system perform, that the appearance of faults in the functions is reported (‘reliability’) and that stored personal data cannot be corrupted by means of a malfunctioning of the system (‘integrity’).

Article 30

Notification of a personal data breach to the supervisory authority

1. Member States shall, in the case of a personal data breach, provide for the controller to notify without undue delay and, where feasible, not later than 72 hours after having become aware of it, the personal data breach to the supervisory authority, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay.

2. The processor shall notify the controller without undue delay after becoming aware of a personal data breach.

3. The notification referred to in paragraph 1 shall at least:

(a) describe the nature of the personal data breach including, where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;

(b) communicate the name and contact details of the data protection officer or other contact point where more information can be obtained;

(c) describe the likely consequences of the personal data breach;

(d) describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

4. Where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.

5. Member States shall provide for the controller to document any personal data breaches referred to in paragraph 1, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the supervisory authority to verify compliance with this Article.

6. Member States shall, where the personal data breach involves personal data that have been transmitted by or to the controller of another Member State, provide for the information referred to in paragraph 3 to be communicated to the controller of that Member State without undue delay.

Article 31

Communication of a personal data breach to the data subject

1. Member States shall, where the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, provide for the controller to communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 of this Article shall describe in clear and plain language the nature of the personal data breach and shall contain at least the information and measures referred to in points (b), (c) and (d) of Article 30(3).

3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:

(a) the controller has implemented appropriate technological and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;

(b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialise;

(c) it would involve a disproportionate effort. In such a case, there shall instead be a public communication or a similar measure whereby the data subjects are informed in an equally effective manner.

4. If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so, or may decide that any of the conditions referred to in paragraph 3 are met.

5. The communication to the data subject referred to in paragraph 1 of this Article may be delayed, restricted or omitted subject to the conditions and on the grounds referred to in Article 13(3).

Section 3

Data protection officer

Article 32

Designation of the data protection officer

1. Member States shall provide for the controller to designate a data protection officer. Member States may exempt courts and other independent judicial authorities when acting in their judicial capacity from that obligation.

2. The data protection officer shall be designated on the basis of his or her professional qualities and, in particular, his or her expert knowledge of data protection law and practice and ability to fulfil the tasks referred to in Article 34.

3. A single data protection officer may be designated for several competent authorities, taking account of their organisational structure and size.

4. Member States shall provide for the controller to publish the contact details of the data protection officer and communicate them to the supervisory authority.

Article 33

Position of the data protection officer

1. Member States shall provide for the controller to ensure that the data protection officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data.

2. The controller shall support the data protection officer in performing the tasks referred to in Article 34 by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge.

Article 34

Tasks of the data protection officer

Member States shall provide for the controller to entrust the data protection officer at least with the following tasks:

(a) to inform and advise the controller and the employees who carry out processing of their obligations pursuant to this Directive and to other Union or Member State data protection provisions;

(b) to monitor compliance with this Directive, with other Union or Member State data protection provisions and with the policies of the controller in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;

(c) to provide advice where requested as regards the data protection impact assessment and monitor its performance pursuant to Article 27;

(d) to cooperate with the supervisory authority;

(e) to act as the contact point for the supervisory authority on issues relating to processing, including the prior consultation referred to in Article 28, and to consult, where appropriate, with regard to any other matter.

CHAPTER V

Transfers of personal data to third countries or international organisations

Article 35

General principles for transfers of personal data

1. Member States shall provide for any transfer by competent authorities of personal data which are undergoing processing or are intended for processing after transfer to a third country or to an international organisation including for onward transfers to another third country or international organisation to take place, subject to compliance with the national provisions adopted pursuant to other provisions of this Directive, only where the conditions laid down in this Chapter are met, namely:

(a) the transfer is necessary for the purposes set out in Article 1(1);

(b) the personal data are transferred to a controller in a third country or international organisation that is an authority competent for the purposes referred to in Article 1(1);

(c) where personal data are transmitted or made available from another Member State, that Member State has given its prior authorisation to the transfer in accordance with its national law;

(d) the Commission has adopted an adequacy decision pursuant to Article 36, or, in the absence of such a decision, appropriate safeguards have been provided or exist pursuant to Article 37, or, in the absence of an adequacy decision pursuant to Article 36 and of appropriate safeguards in accordance with Article 37, derogations for specific situations apply pursuant to Article 38; and

(e) in the case of an onward transfer to another third country or international organisation, the competent authority that carried out the original transfer or another competent authority of the same Member State authorises the onward transfer, after taking into due account all relevant factors, including the seriousness of the criminal offence, the purpose for which the personal data was originally transferred and the level of personal data protection in the third country or an international organisation to which personal data are onward transferred.

2. Member States shall provide for transfers without the prior authorisation by another Member State in accordance with point (c) of paragraph 1 to be permitted only if the transfer of the personal data is necessary for the prevention of an immediate and serious threat to public security of a Member State or a third country or to essential interests of a Member State and the prior authorisation cannot be obtained in good time. The authority responsible for giving prior authorisation shall be informed without delay.

3. All provisions in this Chapter shall be applied in order to ensure that the level of protection of natural persons ensured by this Directive is not undermined.

Article 36

Transfers on the basis of an adequacy decision

1. Member States shall provide that a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that third country, or the international organisation in question ensures an adequate level of protection. Such a transfer shall not require any specific authorisation.

2. When assessing the adequacy of the level of protection, the Commission shall, in particular, take account of the following elements:

(a) the rule of law, respect for human rights and fundamental freedoms, relevant legislation, both general and sectoral, including concerning public security, defence, national security and criminal law and the access of public authorities to personal data, as well as the implementation of such legislation, data protection rules, professional rules and

security measures, including rules for the onward transfer of personal data to another third country or international organisation, which are complied with in that country or international organisation, case-law, as well as effective and enforceable data subject rights and effective administrative and judicial redress for the data subjects whose personal data are transferred;

(b) the existence and effective functioning of one or more independent supervisory authorities in the third country or to which an international organisation is subject, with responsibility for ensuring and enforcing compliance with data protection rules, including adequate enforcement powers, for assisting and advising data subjects in exercising their rights and for cooperation with the supervisory authorities of the Member States; and

(c) the international commitments the third country or international organisation concerned has entered into, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems, in particular in relation to the protection of personal data.

3. The Commission, after assessing the adequacy of the level of protection, may decide, by means of implementing act, that a third country, a territory or one or more specified sectors within a third country, or an international organisation ensures an adequate level of protection within the meaning of paragraph 2 of this Article. The implementing act shall provide a mechanism for periodic review, at least every four years, which shall take into account all relevant developments in the third country or international organisation. The implementing act shall specify its territorial and sectoral application and, where applicable, identify the supervisory authority or authorities referred to in point (b) of paragraph 2 of this Article. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 58(2).

4. The Commission shall, on an ongoing basis, monitor developments in third countries and international organisations that could affect the functioning of decisions adopted pursuant to paragraph 3.

5. The Commission shall, where available information reveals, in particular following the review referred to in paragraph 3 of this Article, that a third country, a territory or one or more specified sectors within a third country, or an international organisation no longer ensures an adequate level of protection within the meaning of paragraph 2 of this Article, to the extent necessary, repeal, amend or suspend the decision referred to in paragraph 3 of this Article by means of implementing acts without retro-active effect. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 58(3).

6. The Commission shall enter into consultations with the third country or international organisation with a view to remedying the situation giving rise to the decision made pursuant to paragraph 5.

7. Member States shall provide for a decision pursuant to paragraph 5 to be without prejudice to transfers of personal data to the third country, the territory or one or more specified sectors within that third country, or the international organisation in question pursuant to Articles 37 and 38.

8. The Commission shall publish in the Official Journal of the European Union and on its website a list of the third countries, territories and specified sectors within a third country and international organisations for which it has decided that an adequate level of protection is or is no longer ensured.

Article 37

Transfers subject to appropriate safeguards

1. In the absence of a decision pursuant to Article 36(3), Member States shall provide that a transfer of personal data to a third country or an international organisation may take place where:

(a) appropriate safeguards with regard to the protection of personal data are provided for in a legally binding instrument; or

(b) the controller has assessed all the circumstances surrounding the transfer of personal data and concludes that appropriate safeguards exist with regard to the protection of personal data.

2. The controller shall inform the supervisory authority about categories of transfers under point (b) of paragraph 1.

3. When a transfer is based on point (b) of paragraph 1, such a transfer shall be documented and the documentation shall be made available to the supervisory authority on request, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.

Article 38

Derogations for specific situations

1. In the absence of an adequacy decision pursuant to Article 36, or of appropriate safeguards pursuant to Article 37, Member States shall provide that a transfer or a category of transfers of personal data to a third country or an international organisation may take place only on the condition that the transfer is necessary:

(a) in order to protect the vital interests of the data subject or another person;

(b) to safeguard legitimate interests of the data subject, where the law of the Member State transferring the personal data so provides;

(c) for the prevention of an immediate and serious threat to public security of a Member State or a third country;

(d) in individual cases for the purposes set out in Article 1(1); or

(e) in an individual case for the establishment, exercise or defence of legal claims relating to the purposes set out in Article 1(1).

2. Personal data shall not be transferred if the transferring competent authority determines that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer set out in points (d) and (e) of paragraph 1.

3. Where a transfer is based on paragraph 1, such a transfer shall be documented and the documentation shall be made available to the supervisory authority on request, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.

Article 39

Transfers of personal data to recipients established in third countries

1. By way of derogation from point (b) of Article 35(1) and without prejudice to any international agreement referred to in paragraph 2 of this Article, Union or Member State law may provide for the competent authorities referred to in point (7)(a) of Article 3, in individual and specific cases, to

transfer personal data directly to recipients established in third countries only if the other provisions of this Directive are complied with and all of the following conditions are fulfilled:

(a) the transfer is strictly necessary for the performance of a task of the transferring competent authority as provided for by Union or Member State law for the purposes set out in Article 1(1);

(b) the transferring competent authority determines that no fundamental rights and freedoms of the data subject concerned override the public interest necessitating the transfer in the case at hand;

(c) the transferring competent authority considers that the transfer to an authority that is competent for the purposes referred to in Article 1(1) in the third country is ineffective or inappropriate, in particular because the transfer cannot be achieved in good time;

(d) the authority that is competent for the purposes referred to in Article 1(1) in the third country is informed without undue delay, unless this is ineffective or inappropriate;

(e) the transferring competent authority informs the recipient of the specified purpose or purposes for which the personal data are only to be processed by the latter provided that such processing is necessary.

2. An international agreement referred to in paragraph 1 shall be any bilateral or multilateral international agreement in force between Member States and third countries in the field of judicial cooperation in criminal matters and police cooperation.

3. The transferring competent authority shall inform the supervisory authority about transfers under this Article.

4. Where a transfer is based on paragraph 1, such a transfer shall be documented.

Article 40

International cooperation for the protection of personal data

In relation to third countries and international organisations, the Commission and Member States shall take appropriate steps to:

(a) develop international cooperation mechanisms to facilitate the effective enforcement of legislation for the protection of personal data;

(b) provide international mutual assistance in the enforcement of legislation for the protection of personal data, including through notification, complaint referral, investigative assistance and information exchange, subject to appropriate safeguards for the protection of personal data and other fundamental rights and freedoms;

(c) engage relevant stakeholders in discussion and activities aimed at furthering international cooperation in the enforcement of legislation for the protection of personal data;

(d) promote the exchange and documentation of personal data protection legislation and practice, including on jurisdictional conflicts with third countries.

CHAPTER VI

Independent supervisory authorities

Section 1

Independent status

Article 41

Supervisory authority

1. Each Member State shall provide for one or more independent public authorities to be responsible for monitoring the application of this Directive, in order to protect the fundamental rights and freedoms of natural persons in relation to processing and to facilitate the free flow of personal data within the Union (‘supervisory authority’).

2. Each supervisory authority shall contribute to the consistent application of this Directive throughout the Union. For that purpose, the supervisory authorities shall cooperate with each other and with the Commission in accordance with Chapter VII.

3. Member States may provide for a supervisory authority established under Regulation (EU) 2016/679 to be the supervisory authority referred to in this Directive and to assume responsibility for the tasks of the supervisory authority to be established under paragraph 1 of this Article.

4. Where more than one supervisory authority is established in a Member State, that Member State shall designate the supervisory authority which are to represent those authorities in the Board referred to in Article 51.

Article 42

Independence

1. Each Member State shall provide for each supervisory authority to act with complete independence in performing its tasks and exercising its powers in accordance with this Directive.

2. Member States shall provide for the member or members of their supervisory authorities in the performance of their tasks and exercise of their powers in accordance with this Directive, to remain free from external influence, whether direct or indirect, and that they shall neither seek nor take instructions from anybody.

3. Members of Member States' supervisory authorities shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not.

4. Each Member State shall ensure that each supervisory authority is provided with the human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers, including those to be carried out in the context of mutual assistance, cooperation and participation in the Board.

5. Each Member State shall ensure that each supervisory authority chooses and has its own staff which shall be subject to the exclusive direction of the member or members of the supervisory authority concerned.

6. Each Member State shall ensure that each supervisory authority is subject to financial control which does not affect its independence and that it has separate, public annual budgets, which may be part of the overall state or national budget.

Article 43

General conditions for the members of the supervisory authority

1. Member States shall provide for each member of their supervisory authorities to be appointed by means of a transparent procedure by:

— their parliament;

— their government;

— their head of State; or

— an independent body entrusted with the appointment under Member State law.

2. Each member shall have the qualifications, experience and skills, in particular in the area of the protection of personal data, required to perform their duties and exercise their powers.

3. The duties of a member shall end in the event of the expiry of the term of office, resignation or compulsory retirement, in accordance with the law of the Member State concerned.

4. A member shall be dismissed only in cases of serious misconduct or if the member no longer fulfils the conditions required for the performance of the duties.

Article 44

Rules on the establishment of the supervisory authority

1. Each Member State shall provide by law for all of the following:

(a) the establishment of each supervisory authority;

(b) the qualifications and eligibility conditions required to be appointed as a member of each supervisory authority;

(c) the rules and procedures for the appointment of the member or members of each supervisory authority;

(d) the duration of the term of the member or members of each supervisory authority of not less than four years, except for the first appointment after 6 May 2016, part of which may take place for a shorter period where that is necessary to protect the independence of the supervisory authority by means of a staggered appointment procedure;

(e) whether and, if so, for how many terms the member or members of each supervisory authority is eligible for reappointment;

(f) the conditions governing the obligations of the member or members and staff of each supervisory authority, prohibitions on actions, occupations and benefits incompatible therewith during and after the term of office and rules governing the cessation of employment.

2. The member or members and the staff of each supervisory authority shall, in accordance with Union or Member State law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks or the exercise of their powers. During their term of office, that duty of professional secrecy shall in particular apply to reporting by natural persons of infringements of this Directive.

Section 2

Competence, tasks and powers

Article 45

Competence

1. Each Member State shall provide for each supervisory authority to be competent for the performance of the tasks assigned to, and for the exercise of the powers conferred on, it in accordance with this Directive on the territory of its own Member State.

2. Each Member State shall provide for each supervisory authority not to be competent for the supervision of processing operations of courts when acting in their judicial capacity. Member States may provide for their supervisory authority not to be competent to supervise processing operations of other independent judicial authorities when acting in their judicial capacity.

Article 46

Tasks

1. Each Member State shall provide, on its territory, for each supervisory authority to:

(a) monitor and enforce the application of the provisions adopted pursuant to this Directive and its implementing measures;

(b) promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing;

(c) advise, in accordance with Member State law, the national parliament, the government and other institutions and bodies on legislative and administrative measures relating to the protection of natural persons' rights and freedoms with regard to processing;

(d) promote the awareness of controllers and processors of their obligations under this Directive;

(e) upon request, provide information to any data subject concerning the exercise of their rights under this Directive and, if appropriate, cooperate with the supervisory authorities in other Member States to that end;

(f) deal with complaints lodged by a data subject, or by a body, organisation or association in accordance with Article 55, and investigate, to the extent appropriate, the subject-matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with another supervisory authority is necessary;

(g) check the lawfulness of processing pursuant to Article 17, and inform the data subject within a reasonable period of the outcome of the check pursuant to paragraph 3 of that Article or of the reasons why the check has not been carried out;

(h) cooperate with, including by sharing information, and provide mutual assistance to other supervisory authorities, with a view to ensuring the consistency of application and enforcement of this Directive;

(i) conduct investigations on the application of this Directive, including on the basis of information received from another supervisory authority or other public authority;

(j) monitor relevant developments insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies;

(k) provide advice on the processing operations referred to in Article 28; and

(l) contribute to the activities of the Board.

2. Each supervisory authority shall facilitate the submission of complaints referred to in point (f) of paragraph 1 by measures such as providing a complaint submission form which can also be completed electronically, without excluding other means of communication.

3. The performance of the tasks of each supervisory authority shall be free of charge for the data subject and for the data protection officer.

4. Where a request is manifestly unfounded or excessive, in particular because it is repetitive, the supervisory authority may charge a reasonable fee based on its administrative costs, or may refuse to act on the request. The supervisory authority shall bear the burden of demonstrating that the request is manifestly unfounded or excessive.

Article 47

Powers

1. Each Member State shall provide by law for each supervisory authority to have effective investigative powers. Those powers shall include at least the power to obtain from the controller and the processor access to all personal data that are being processed and to all information necessary for the performance of its tasks.

2. Each Member State shall provide by law for each supervisory authority to have effective corrective powers such as, for example:

(a) to issue warnings to a controller or processor that intended processing operations are likely to infringe the provisions adopted pursuant to this Directive;

(b) to order the controller or processor to bring processing operations into compliance with the provisions adopted pursuant to this Directive, where appropriate, in a specified manner and within a specified period, in particular by ordering the rectification or erasure of personal data or restriction of processing pursuant to Article 16;

(c) to impose a temporary or definitive limitation, including a ban, on processing.

3. Each Member State shall provide by law for each supervisory authority to have effective advisory powers to advise the controller in accordance with the prior consultation procedure referred to in Article 28 and to issue, on its own initiative or on request, opinions to its national parliament and its government or, in accordance with its national law, to other institutions and bodies as well as to the public on any issue related to the protection of personal data.

4. The exercise of the powers conferred on the supervisory authority pursuant to this Article shall be subject to appropriate safeguards, including effective judicial remedy and due process, as set out in Union and Member State law in accordance with the Charter.

5. Each Member State shall provide by law for each supervisory authority to have the power to bring infringements of provisions adopted pursuant to this Directive to the attention of judicial authorities and, where appropriate, to commence or otherwise engage in legal proceedings, in order to enforce the provisions adopted pursuant to this Directive.

Article 48

Reporting of infringements

Member States shall provide for competent authorities to put in place effective mechanisms to encourage confidential reporting of infringements of this Directive.

Article 49

Activity reports

Each supervisory authority shall draw up an annual report on its activities, which may include a list of types of infringement notified and types of penalties imposed. Those reports shall be transmitted to the national parliament, the government and other authorities as designated by Member State law. They shall be made available to the public, the Commission and the Board.

CHAPTER VII

Cooperation

Article 50

Mutual assistance

1. Each Member State shall provide for their supervisory authorities to provide each other with relevant information and mutual assistance in order to implement and apply this Directive in a consistent manner, and to put in place measures for effective cooperation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out consultations, inspections and investigations.

2. Each Member States shall provide for each supervisory authority to take all appropriate measures required to reply to a request of another supervisory authority without undue delay and no later than one month after receiving the request. Such measures may include, in particular, the transmission of relevant information on the conduct of an investigation.

3. Requests for assistance shall contain all the necessary information, including the purpose of and reasons for the request. Information exchanged shall be used only for the purpose for which it was requested.

4. The requested supervisory authority shall not refuse to comply with the request unless:

(a) it is not competent for the subject-matter of the request or for the measures it is requested to execute; or

(b) compliance with the request would infringe this Directive or Union or Member State law to which the supervisory authority receiving the request is subject.

5. The requested supervisory authority shall inform the requesting supervisory authority of the results or, as the case may be, of the progress of the measures taken in order to respond to the request. The requested supervisory authority shall provide reasons for any refusal to comply with a request pursuant to paragraph 4.

6. Requested supervisory authorities shall, as a rule, supply the information requested by other supervisory authorities by electronic means, using a standardised format.

7. Requested supervisory authorities shall not charge a fee for any action taken by them pursuant to a request for mutual assistance. Supervisory authorities may agree on rules to indemnify each other for specific expenditure arising from the provision of mutual assistance in exceptional circumstances.

8. The Commission may, by means of implementing acts, specify the format and procedures for mutual assistance referred to in this Article and the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the Board. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

Article 51

Tasks of the Board

1. The Board established by Regulation (EU) 2016/679 shall perform all of the following tasks in relation to processing within the scope of this Directive:

(a) advise the Commission on any issue related to the protection of personal data in the Union, including on any proposed amendment of this Directive;

(b) examine, on its own initiative, on request of one of its members or on request of the Commission, any question covering the application of this Directive and issue guidelines, recommendations and best practices in order to encourage consistent application of this Directive;

(c) draw up guidelines for supervisory authorities concerning the application of measures referred to in Article 47(1) and (3);

(d) issue guidelines, recommendations and best practices in accordance with point (b) of this subparagraph for establishing personal data breaches and determining the undue delay referred to in Article 30(1) and (2) and for the particular circumstances in which a controller or a processor is required to notify the personal data breach;

(e) issue guidelines, recommendations and best practices in accordance with point (b) of this subparagraph as to the circumstances in which a personal data breach is likely to result in a high risk to the rights and freedoms of natural persons as referred to in Article 31(1);

(f) review the practical application of the guidelines, recommendations and best practices referred to in points (b) and (c);

(g) provide the Commission with an opinion for the assessment of the adequacy of the level of protection in a third country, a territory or one or more specified sectors within a third country, or an international organisation, including for the assessment whether such a third country, territory, specified sector, or international organisation no longer ensures an adequate level of protection;

(h) promote the cooperation and the effective bilateral and multilateral exchange of information and best practices between the supervisory authorities;

(i) promote common training programmes and facilitate personnel exchanges between the supervisory authorities and, where appropriate, with the supervisory authorities of third countries or with international organisations;

(j) promote the exchange of knowledge and documentation on data protection law and practice with data protection supervisory authorities worldwide.

With regard to point (g) of the first subparagraph, the Commission shall provide the Board with all necessary documentation, including correspondence with the government of the third country, with the territory or specified sector within that third country, or with the international organisation.

2. Where the Commission requests advice from the Board, it may indicate a time limit, taking into account the urgency of the matter.

3. The Board shall forward its opinions, guidelines, recommendations and best practices to the Commission and to the committee referred to in Article 58(1) and make them public.

4. The Commission shall inform the Board of the action it has taken following opinions,

guidelines, recommendations and best practices issued by the Board.

CHAPTER VIII

Remedies, liability and penalties

Article 52

Right to lodge a complaint with a supervisory authority

1. Without prejudice to any other administrative or judicial remedy, Member States shall provide for every data subject to have the right to lodge a complaint with a single supervisory authority, if the data subject considers that the processing of personal data relating to him or her infringes provisions adopted pursuant to this Directive.

2. Member States shall provide for the supervisory authority with which the complaint has been lodged to transmit it to the competent supervisory authority, without undue delay if the complaint is not lodged with the supervisory authority that is competent pursuant to Article 45(1). The data subject shall be informed about the transmission.

3. Member States shall provide for the supervisory authority with which the complaint has been lodged to provide further assistance on request of the data subject.

4. The data subject shall be informed by the competent supervisory authority of the progress and the outcome of the complaint, including of the possibility of a judicial remedy pursuant to Article 53.

Article 53

Right to an effective judicial remedy against a supervisory authority

1. Without prejudice to any other administrative or non-judicial remedy, Member States shall provide for the right of a natural or legal person to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them.

2. Without prejudice to any other administrative or non-judicial remedy, each data subject shall have the right to an effective judicial remedy where the supervisory authority which is competent pursuant to Article 45(1) does not handle a complaint or does not inform the data subject within three months of the progress or outcome of the complaint lodged pursuant to Article 52.

3. Member States shall provide for proceedings against a supervisory authority to be brought before the courts of the Member State where the supervisory authority is established.

Article 54

Right to an effective judicial remedy against a controller or processor

Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority pursuant to Article 52, Member States shall provide for the right of a data subject to an effective judicial remedy where he or she considers that his or her rights laid down in provisions adopted pursuant to this Directive have been infringed as a result of the processing of his or her personal data in non-compliance with those provisions.

Article 55

Representation of data subjects

Member States shall, in accordance with Member State procedural law, provide for the data subject to have the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with Member State law, has statutory objectives which are in the public interest and is active in the field of protection of data subject's rights and freedoms with regard to the protection of their personal data to lodge the complaint on his or her behalf and to exercise the rights referred to in Articles 52, 53 and 54 on his or her behalf.

Article 56

Right to compensation

Member States shall provide for any person who has suffered material or non-material damage as a result of an unlawful processing operation or of any act infringing national provisions adopted pursuant to this Directive to have the right to receive compensation for the damage suffered from the controller or any other authority competent under Member State law.

Article 57

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

CHAPTER IX

Implementing acts

Article 58

Committee procedure

1. The Commission shall be assisted by the committee established by Article 93 of Regulation (EU) 2016/679. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

CHAPTER X

Final provisions

Article 59

Repeal of Framework Decision 2008/977/JHA

1. Framework Decision 2008/977/JHA is repealed with effect from 6 May 2018.

2. References to the repealed Decision referred to in paragraph 1 shall be construed as references to this Directive.

Article 60

Union legal acts already in force

The specific provisions for the protection of personal data in Union legal acts that entered into force on or before 6 May 2016 in the field of judicial cooperation in criminal matters and police cooperation, which regulate processing between Member States and the access of designated authorities of Member States to information systems established pursuant to the Treaties within the scope of this Directive, shall remain unaffected.

Article 61

Relationship with previously concluded international agreements in the field of judicial cooperation in criminal matters and police cooperation

International agreements involving the transfer of personal data to third countries or international organisations which were concluded by Member States prior to 6 May 2016 and which comply with Union law as applicable prior to that date shall remain in force until amended, replaced or revoked.

Article 62

Commission reports

1. By 6 May 2022, and every four years thereafter, the Commission shall submit a report on the evaluation and review of this Directive to the European Parliament and to the Council. The reports shall be made public.

2. In the context of the evaluations and reviews referred to in paragraph 1, the Commission shall examine, in particular, the application and functioning of Chapter V on the transfer of personal data to third countries or international organisations with particular regard to decisions adopted pursuant to Article 36(3) and Article 39.

3. For the purposes of paragraphs 1 and 2, the Commission may request information from Member States and supervisory authorities.

4. In carrying out the evaluations and reviews referred to in paragraphs 1 and 2, the Commission shall take into account the positions and findings of the European Parliament, of the Council and of other relevant bodies or sources.

5. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Directive, in particular taking account of developments in information technology and in the light of the state of progress in the information society.

6. By 6 May 2019, the Commission shall review other legal acts adopted by the Union which regulate processing by the competent authorities for the purposes set out in Article 1(1) including those referred to in Article 60, in order to assess the need to align them with this Directive and to make, where appropriate, the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data within the scope of this Directive.

Article 63

Transposition

1. Member States shall adopt and publish, by 6 May 2018, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith notify to the Commission the text of those provisions. They shall apply those provisions from 6 May 2018.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. By way of derogation from paragraph 1, a Member State may provide, exceptionally, where it involves disproportionate effort, for automated processing systems set up before 6 May 2016 to be brought into conformity with Article 25(1) by 6 May 2023.

3. By way of derogation from paragraphs 1 and 2 of this Article, a Member State may, in exceptional circumstances, bring an automated processing system as referred to in paragraph 2 of this Article into conformity with Article 25(1) within a specified period after the period referred to in paragraph 2 of this Article, if it would otherwise cause serious difficulties for the operation of that particular automated processing system. The Member State concerned shall notify the Commission of the grounds for those serious difficulties and the grounds for the specified period within which it shall bring that particular automated processing system into conformity with Article 25(1). The specified period shall in any event not be later than 6 May 2026.

4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 64

Entry into force

This Directive shall enter into force on the day following that of its publication in the Official Journal of the European Union.

Article 65

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 27 April 2016.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

J.A. HENNIS-PLASSCHAERT

(1) OJ C 391, 18.12.2012, p. 127.

(2) Position of the European Parliament of 12 March 2014 (not yet published in the Official Journal) and position of the Council at first reading of 8 April 2016 (not yet published in the Official Journal). Position of the European Parliament of 14 April 2016.

(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(4) Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350, 30.12.2008, p. 60).

(5) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (see page 1 of this Official Journal).

(6) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

(7) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

(8) Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).

(9) Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

(10) Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ L 78, 26.3.1977, p. 17).

(11) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(12) Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

(13) Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 1).

(14) Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

(15) OJ L 176, 10.7.1999, p. 36.

(16) OJ L 53, 27.2.2008, p. 52.

(17) OJ L 160, 18.6.2011, p. 21.

(18) OJ C 192, 30.6.2012, p. 7.